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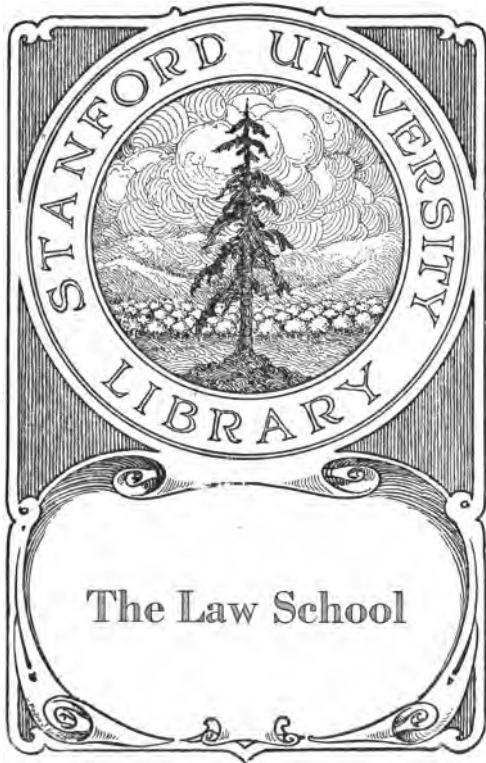
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A C T S

OF THE

STATE OF TENNESSEE,

==

PASSED BY THE

FORTIETH GENERAL ASSEMBLY,

1877.

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PUBLISHED BY AUTHORITY.

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VIAGGI D'AMMATE

PUBLIC ACTS  
OF THE  
GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

PASSED BY THE FIRST SESSION OF THE

FORTIETH GENERAL ASSEMBLY,

*Which was begun and held at Nashville on the First Monday in January, in  
the year of our LORD One Thousand Eight Hundred and Seventy-seven.*

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CHAPTER I.

AN ACT authorizing the City of Memphis to grant to the United States a Site for a Custom House and other public buildings, and ceding the jurisdiction to the United States of the ground so granted.

WHEREAS, An act of the Legislature, passed March 23, 1875, has been considered somewhat indefinite as to the property therein described; now, with the view of making more certain the legislative intent, therefore,

SECTION 1. *Be it Enacted by the General Assembly of the State of Tennessee,* That the City of Memphis be and is hereby empowered to grant to the United States a portion of the public promenade, described as follows: Beginning at a point where the west line of Front street intersects the north line of the first alley south of Madison street, and running thence northward with the west line of Front street three hundred and sixty-four and one-fourth feet to a stake; thence westward, at right angles to Front street and with the south line of the first alley north of Madison street, for a distance of three hundred feet to a stake; thence southward, parallel to the west line of Front street, three hundred and sixty-four and one-fourth feet to a stake; and thence eastward, with the north line of the first alley south of Madison street, to the beginning;—for the purpose of having erected thereon a United States Custom House and other public buildings of the United States.

Defining boundaries.

*Granting jurisdiction to U. S.*  
 SEC. 2. *Be it further enacted,* That the jurisdiction of the said premises so to be granted to the United States for the said purpose; be and the same is hereby ceded and granted by the State of Tennessee to the United States.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage, the public welfare requiring the same.

Passed January 17, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 17, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER II.

AN ACT for relief of Counties wherein the Court-houses and County Records have been burned, and especially for the relief of Cocke County.

WHEREAS, Cocke county has suffered the total loss and destruction of its court-house and records by fire, including the books of the Register's office, the County Court Clerk's office, and Trustee's office; and,

WHEREAS, All assessor's books, including the "Main assessment roll," and all tax books and tax lists of every description, were utterly destroyed; and,

WHEREAS, The County Court of said county, impressed with the urgency of the occasion, and having the fullest confidence that the Legislature would ratify their action, did, at the January term, 1877, of said court, appoint an assessor of the taxes, to make a re-assessment from which to supply the "Main assessment roll" and tax books of 1875 and 1876 for said county, which were destroyed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in any county in this State

where the court-house, or court-houses, have been destroyed by fire, together with the records of the different county offices, and wherein such steps to supply same have been taken, as set forth in the preamble to this act, the same is hereby approved, ratified and confirmed; and that the assessment made, or hereafter to be made, by assessors under the orders and appointments made by the county courts of such counties, and the "Main assessment roll" and tax books for both past and future which shall be made out therefrom, shall be legal, valid and binding to all intents and purposes. And the clerks of the county courts of such counties are authorized, empowered and required to make out the "Main assessment rolls" and the tax books for 1876 upon the return of such assessments so made, and make aggregate statements to the Comptroller therefrom, upon which basis the collector of taxes will be charged.

SEC. 2. *Be it further enacted,* That the chairmen of the county courts of such counties be and are hereby empowered to call a special term of the Quarterly Court of such counties, to hear and determine the application of all taxpayers as to erroneous assessments, such application to be made at or before such special term, but not subsequently; and that in such cases the Trustee shall have the same length of time to make collection of taxes after receiving the new book for 1876 as is allowed by law to collectors receiving their books at the regular times; and the Trustee of any such county shall give bond, on receiving said book, so conditioned as to make him and his sureties liable for taxes collected under provisions of this act.

*Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 23, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER III.

**AN ACT** entitled An Act to extend the time in which to collect the taxes assessed for the year 1876, and for the relief of the people.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Trustees of the several counties of the State shall not make out and deliver to any Sheriff or Constable a certified statement of the unpaid taxes due from delinquent taxpayers for the year 1876, as is required by the 5th section of an Act approved March 24, 1875, entitled "An Act more cheaply to collect the State, county and municipal revenue," until the 20th of October, 1877.

**SEC. 2.** *Be it further enacted,* That the said County Trustees shall retain the tax lists and collect the taxes until the said 20th of October, 1877: *Provided, however,*

*that said Trustees, before proceeding further to collect said taxes, together with their securities, shall appear before the County Courts of their respective counties and acknowledge in writing their willingness to be bound under the terms and conditions of their bonds for the collection of said taxes; and in case they refuse so to appear and acknowledge their liability anew, then said Trustee is to enter into a new bond for the faithful performance of his duties:* *Provided, however,* that if any

*Trustee shall fail or refuse to renew his bond, or give a new one as hereinbefore provided, then in such case said office of Trustee shall be declared vacant, and the County Court shall proceed at once to fill the vacancy as required by law:* *Provided further,* that said Trustees shall renew their bonds, or give new ones as hereinbefore provided, on or before the first Monday in April, 1877.

**SEC. 3.** *Be it further enacted,* That on the 20th of October, 1877, it shall be the duty of each Trustee in the State to make out a certified statement of the unpaid taxes due from delinquent taxpayers in his county for the year 1876, and deliver the same to the Constables and Sheriff thereof, as required by the 5th section of the Act aforesaid, entitled "An act more cheaply to collect the State, county and municipal revenue."

**SEC. 4.** *Be it further enacted,* That in all cases where *Sheriffs and constables to any Trustee has made out and delivered to the Constables or Sheriff of his county, a certified statement of the unpaid taxes from delinquent taxpayers in his county for the year 1876, said Sheriffs and Constables are hereby commanded to suspend all further collections of said*

*List of delinquent to be made Oct. 20.*

taxes, and to return said certified statement to the Trustee of their respective counties, and account for and pay over the money collected by them under existing laws.

SEC. 5. *Be it further enacted*, That in all cases where taxes for the year 1876 remain due and unpaid on the 20th of October, 1877, the Sheriffs and Constables to whose hands a certified statement of said unpaid taxes shall have come as above provided, shall proceed to dis-  
train and sell, in all respects as now provided by law, personal property, if to be found, for the payment of the same, and in all cases where taxes for said year remain due and unpaid on the 20th November, 1877, then the Trustees are to proceed to advertise for sale, to be held on the 20th December, 1877, all real estate against which any demands for taxes for the year 1876 may exist: *Provided, however,* that nothing herein expressed shall prevent the Trustee from selling personal property for taxes, or otherwise proceeding to collect the taxes for the time mentioned, other than by the sale of real estate, after the 20th December, 1877.

*Officers to levy  
and sell perso-  
nalty Oct. 20.*

*Realty to be  
sold Dec. 20 '77*

SEC. 6. *Be it further enacted*, That when said sales of real estate shall have been completed, and within thirty days after the 20th of December, 1877, the Trustee shall certify said sales to the Circuit Court of his county, and in all other respects, to wit: confirmation, vesting of title, the giving of the purchaser possession, the right to redeem, and all other rights and proceedings shall be had in regard to said real estate as now by law provided, and all laws in regard to the collection of taxes, except as herein provided, is hereby declared to be in full force and effect: *Provided* that the collection of all municipal taxes be suspended until the 1st day of April, 1877.

*Sales to be  
certified to the  
Circuit Court.*

SEC. 7. *Be it further enacted*, That so much of section 61 of an Act passed March 22, 1873, entitled "An Act to provide more just and equitable laws for the assessment and collection of taxes," as imposes a penalty of 12 per cent. on the 1st day of June of the year following the year for which the taxes were assessed, be and the same is hereby repealed.

*12 per cent.  
penalty re-  
pealed.*

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 11, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

This Act having been presented to the Governor on the 22d day of February, 1877, and the Governor having failed to return it within the time prescribed by law, the same is hereby declared to have become a law, this the 1st day of March, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*  
**HUGH M. McADOO,**  
*Speaker of the Senate.*

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## CHAPTER IV.

### AN ACT to change the times of the sessions of the Supreme Court.

*Time of sessions of Supreme Court.* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the sessions of the Supreme Court shall be held at Knoxville on the second Monday of September; at Nashville on the first Monday of December, and at Jackson on the first Monday of April of each year.

*Act of Feb. 16, 1875, rep'd* SEC. 2. *Be it further enacted,* That so much of section 1 of an Act passed February 16th, 1875, and approved February 18th, 1875, entitled "An Act to change the times of the sessions of the Supreme Court, and to establish an Arbitration Commission at Jackson, Tennessee," as is in conflict with Section 1 of this Act, be and the same is hereby repealed.

*Felony cases at Jackson stand for trial at first term of Court.* SEC. 3. *Be it further enacted,* That all appeals heretofore taken to the Supreme Court at Jackson in civil and misdemeanor causes, and also felony cases in which the defendant is in prison, and in all other felony cases in which the defendant shall so elect, shall stand for trial at the first term of said Court, as provided for by this act.

*Bonds in felony cases to be renewed.* SEC. 4. *Be it further enacted,* That in all other felony cases now pending in or appealed to the Supreme Court, in either of the Grand Divisions of the State, it shall be the duty of the defendant to renew his or her bond or recognizance before the Clerk of the Supreme Court in which the same is pending, at the time fixed in the bond or recognizance for his or her appearance, with surety as

required by law in such cases, conditioned to appear at the first term of said Court, to be held under this act, to answer the charge, and in default thereof he or she shall be committed to jail until said term, unless he or she shall sooner give good security for his or her appearance at Court, which the Clerk of the Supreme Court is authorized to accept at any time and direct the discharge of the defendant.

SEC. 5. *Be it further enacted* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved February 27, 1877.

JAMES D. PORTER,

*Governor.*

## CHAPTER V.

AN ACT to define and declare the duties of the Attorney General of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Attorney General of the State to attend in person and prosecute or defend, as the case may be, any and all suits, civil or criminal, now (or hereafter) pending in the Supreme Court of the United States, or in any Circuit or District Courts of the United States held in the State of Tennessee, in which suit or suits the State may be a party, or in which the State has or may have interests of pecuniary nature.

SEC. 2. That the necessary personal expenses incurred by the Attorney General in the performance of the duties aforesaid, and also the necessary expenses incurred by him for printing briefs and transcripts of records for use in such suits as are required by law or by rule of Court wherein the suit or suits may be pending, shall be paid *Expenses incurred to be paid by State.*

by the State, upon audit and allowance of the Comptroller and Treasurer of the State, upon presentation of an itemized account of the same, certified by the Attorney-General to be correct.

SEC. 3. That this Act take effect from and after its passage, the public welfare requiring the same.

Passed February 16, 1877.

HUGH. M. McADOO, •

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved February 28, 1877.

JAMES D. PORTER,

*Governor.*

## CHAPTER VI.

AN ACT to provide for the re-registration of Deeds and Wills where Court Houses and records have been destroyed by fire.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where court houses and the records of deeds and wills have been destroyed by fire within the last twelve months, any and all persons whose deeds have been registered in Register's books destroyed by such fire, may have the original deeds, or duly certified copies thereof, with certificates, re-registered in the Register's office of such county upon payment to the Register of one-half the usual fees for like services, and such registration shall be as effectual and valid to all intents and purposes as the original registration thereof.

Fees one-half  
the usual fees.

SEC. 2. *Be it further enacted,* That in such cases where the records of wills have been in like manner destroyed, the original wills or certified copies thereof shall be recorded by the County Court Clerk of such county, and shall be entitled to the same force and effect as the original record.

SEC. 3. *Be it further enacted,* That this Act take effect

Wills.

from and after its passage, the public welfare requiring it.  
Passed February 28, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 3, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER VII.

**AN ACT** to change the time fixed by law for holding the Law Court  
at Ducktown, Polk county, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of  
the State of Tennessee,* That the Law Court at Ducktown,  
Polk county, Tennessee, shall hereafter be held on the  
4th Mondays of April, August, and December, instead  
of on the 1st Thursdays after the 3d Mondays in January,  
May and September, as now required by law; *Pro-  
vided,* that the term of said court beginning on the 1st  
Thursday after the 3d Monday in January, 1877, shall  
not be affected by this Act.

SEC. 2. *Be it further enacted,* That this Act shall take  
effect from and after its passage, the public welfare re-  
quiring it.

Passed February 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 28, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER VIII.

**AN ACT** to repeal an Act passed March 19, 1875, entitled "An Act to increase the revenue of the State, and to encourage wool growing.

**Repeals dog law.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 19, 1875, approved March 22, 1875, entitled "An Act to increase the revenue of the State, and encourage wool growing," be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed February 24, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

This Bill having been presented to the Governor for his signature on the 27th of February, 1877, and the Governor having failed to return it within the time prescribed by law, the same is hereby declared to have become a law.

This the 5th of March, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

## CHAPTER IX.

**AN ACT** to repeal so much of section 1, 2, 3, 4 and 5 of an Act entitled "An Act to amend section 316 of the Code, providing for the election of County Judges for the counties of Davidson, Shelby, Knox, Montgomery and Williamson," approved March 24, 1875, which provides for a County Judge for Cannon county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of sections 1, 2, 3, 4

and 5 of an Act entitled "An Act to amend section 316 of the Code providing for the election of County Judges for the counties of Davidson, Shelby, Knox, Montgomery and Williamson," approved March 24, 1875, which provides for the election and compensation of a County Judge for Cannon county, be and the same is hereby repealed.

County Judge  
of Cannon  
abolished.

SEC. 2. *Be it further enacted,* That this Act take effect from and after the first Monday in July, 1877.

Passed March 9, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 12, 1877.

JAS. D. PORTER.  
*Governor.*

## CHAPTER X.

**AN ACT** to authorize Municipal Corporations to settle their indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the incorporated towns and cities of this State, are authorized to arrange their debt, or any portion of their debt, whether the same is due by bonds either matured or yet to become due, over due and unpaid, coupons, being the interest due on bonds already issued, debts due on judgments, or any legal indebtedness arising from any source whatever; said arrangement to be based on a settlement at any rate agreed between said towns or cities and their creditors, the rate of settlement, however, not to exceed fifty-five cents in the dollar on the face value of any judgments against said town or city outstanding and unpaid; and the rate of settlement for any other species or kind of indebtedness to be fixed at any rate per cent. less than fifty cents on the dollar, as may be agreed between said towns or cities and the holders or owners of said indebtedness.

Scaling bonds,  
coupons, judgments, etc.

Rate.

Other indebtedness—rate.

**New bonds.** SEC. 2. *Be it further enacted,* That upon the surrender of any bond or bonds with the coupons attached which have not matured, or upon the surrender of any over due and unpaid coupons, or matured bonds heretofore issued by said town or city, or upon the execution by any creditor of the acquittance of any legal debt due from said town or city, the said town or city is hereby invested with power and authority to issue in its corporate name a new bond or bonds at the rate agreed as aforesaid between said town or city and their creditors.

**\$1000 bonds.** SEC. 3. *Be it further enacted,* That the new bonds shall have not less than twenty nor more than thirty years to run before maturity, and shall be issued in sums of \$1000, each with coupons attached bearing interest at any rate

**Rate of interest** not exceeding six per cent. per annum, payable at any point in the United States designated by said town or city; and any bonds issued under this Act, shall be signed by the Mayor and countersigned by the Register, Recorder or Secretary of the Corporation, with the corporate seal affixed, and registry of the date, number, etc., of the bonds issued, as well as a registry of the date, number, etc., of the bonds, coupons, or other indebtedness surrendered for cancellation, shall be accurately kept and transcribed in the books of the Corporation.

**Signed.** SEC. 4. *Be it further enacted,* That no bonds shall be issued under the provisions of this Act, unless the Board of Aldermen and Councilmen, General Council, or other legislative body or bodies, where there is more than one, by what name or names soever called in the charter of incorporation, shall by ordinance duly passed and approved by the Mayor, authorize the issue of said bonds, and specify the terms on which said settlement is to be made, the same, however, not to exceed fifty-five cents in the dollar in the compromise of judgments, and a less rate per cent., not exceeding fifty cents on the dollar on other kinds of indebtedness, as may be agreed with the creditors.

**Authority to issue bonds.** SEC. 5. *Be it further enacted,* That in consideration of the surrender on the part of the creditor of a portion of the debt due to him from said town or city, it is expressly declared, that the coupons attached to the bonds issued under this Act, and also the bonds if not paid at maturity shall be receivable at par by the town or city issuing the same, in payment of all taxes levied on real or personal estate, or in payment of any privilege or license tax, or in payment of any other debt or demand due and owing to said town or city, it being the intent of this Act that

**Past due fund-  
ed bonds and  
coupons receiv-  
able at par for  
all taxes and  
all other debts.**

any over due and unpaid bond or coupon issued as aforesaid shall be always receivable at *par*, whensoever, by whomsoever, and on what account soever tendered, in satisfaction of all taxes, charges, rates or assessments levied or imposed on persons, privileges or property, or in satisfaction of any other debt or demand due and owing to said town or city.

**SEC. 6.** *Be it further enacted,* That any Municipal Corporation issuing bonds under this Act, shall be prohibited from issuing scrip or any other bonds while their compromise bonds are outstanding and unpaid; and that an ample interest and sinking fund tax shall be levied annually and collected, to meet the maturing interest and to pay the bonds on maturity; and that this tax shall be faithfully applied to the objects proposed, three sinking fund commissioners shall be appointed, to whom the sinking fund tax shall be paid, and three interest commissioners shall be appointed, to whom the interest tax shall be paid; <sup>Interest and sinking fund tax.</sup> <sup>Commissioners</sup> the commissioners in both cases to give bonds for the faithful execution of their trusts.

**SEC. 7.** *Be it further enacted,* That towns, cities or municipal corporations availing themselves of the provisions of this Act to compromise their indebtedness, shall not for five years thereafter levy a higher rate of taxation than one per cent. for general purposes, nor at any time thereafter, while these bonds are outstanding and unpaid, levy for said purpose a tax exceeding one dollar and twenty-five cents on the hundred dollars.

**SEC. 8.** *Be it further enacted,* That the provisions of this Act shall form a part of the contract with the holder of any bonds issued as aforesaid on the compromise of indebtedness.

**SEC. 9.** *Be it further enacted,* That this Act shall constitute an amendment to the charters of all towns and cities heretofore incorporated and organized under the laws of this State.

Passed March 8, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 14, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XI.

## AN ACT to set back Toll Gates on White's Creek Pike.

WHEREAS, By the original charter of White's Creek Turnpike Company, passed January 2, 1830, it was provided, that the Company should build its road commencing at the Nashville bridge, and extending it to the forks of the road, at the top of the ridge at Samuel Shannon's, on the Russellville and Clarksville road, in Davidson county; that said Company should open its road at least thirty feet wide, with sufficient ditches on each side at all times to carry off the water and drain the same; that it be substantially paved with broken stone or gravel at least twenty-one feet wide, and to erect toll gates thereon, and be placed as follows: the first, two or more miles from Nashville, and the second five or more miles from the first, and to collect tolls thereon; and

WHEREAS, Said charter was amended October 22, 1832, by which the Company was authorized to locate and establish permanently the route of the White's Creek Turnpike, commencing at the Nashville bridge and extending thereon a distance of ten miles, or to the top of the ridge at Samuel Shannon's, and to erect its first gate at any point not within one mile of the Nashville bridge and not exceeding five miles. And by an Act passed February 12, 1852, the Company was authorized to remove its first gate nearer to Nashville, but not so near as to be within two miles, as provided by the original charter; and by an amendment to its charter, passed February 17, 1868, the Company was authorized to keep the grade of its road twenty-five feet wide instead of thirty, and substantially macadamized fifteen feet wide instead of twenty-one, as provided in original charter; and

WHEREAS, Since the passage of said Act, Edgefield, an incorporated city, situate immediately near to the city of Nashville, across Cumberland river, has grown up, and its corporate limits are within less than half a mile from said first toll gate, now situated at the forks of the White's Creek Turnpike, and what is known as the Dickerson pike, and less than two miles from the city of Nashville; and

WHEREAS, Since the original and amended charter, to-wit: on the 21st day of August, 1860, said Company, by virtue of an Act passed March 19, 1858, was author-

ized to sell, and did sell all its franchise to private individuals. Now, therefore, by virtue of the police power of the State,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That said Company, or other person or persons in charge of said Turnpike and toll gates, be required to remove and set back the toll gates thereon as follows: The first gate at least two miles from the corporate limits of Edgefield, and the second at least five miles from the first, on the White's Creek pike.

*Gates to be re-  
moved 2 miles  
from Edgefield*

SEC. 2. *Be it further enacted,* That no toll gate on the Dickerson pike shall be within less than two miles of the corporate limits of said city of Edgefield.

SEC. 3. *Be it further enacted,* That a failure to comply with this Act by said Company, or person or persons operating the said road, shall forfeit on his or their part all right to demand or receive toll thereon; and that this Act take effect as prescribed by existing law.

Passed March 10, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 16, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XII.

AN ACT as to the sale of railroads under mortgage, granting certain powers to purchasers, and authorizing incorporation of purchasers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the purchasers of any railroad chartered by this State, and lying in whole or in part in this State, which is sold under any mortgage heretofore or hereafter executed by it, who shall be, under said sale, put in possession of said railroad by any court of competent jurisdiction, shall have the same rights to operate the same in this State as the incorporated com-

*Extends rights  
of defunct Co's  
to their suc-  
cessors.*

pany which executed said mortgage had by the laws of the State.

**Purchasers under mortgage acquire rights, etc., of old Company.** SEC. 2. *Be it further enacted,* That in case of any railroad company chartered by this State or other State, and whose road lies in part or in whole in this State, which has heretofore mortgaged its franchises, roadbeds, superstructures, and property of every description, as provided or allowed in the acts of this State (Acts of 1870-1871, Chapter 116, passed February 2, 1871), or other law or laws, and said mortgage shall afterward be foreclosed in any court of this or of the United States having jurisdiction thereof, by sale under said mortgage, then and in that case the purchasers at said sale shall, by virtue thereof, be entitled to and be invested with the said franchises and property, and with all the rights, privileges and immunities appertaining thereto by the laws of this State in the Act of incorporation of said company, and the amendments thereto, and the general internal improvement law, or other laws of this State, in as full a manner as the said company or companies are or were; *Provided*, that nothing herein contained shall be so construed as to exempt said railroad and its property from liability to State, county, and municipal taxation; *and provided further*, that the purchasers waive any right of exemption from taxation, if any existed in the original charter, or other law of this State, in favor of such railroad property, or stock therein.

**Right of exemption from taxation to be waived.**

**How new companies may organize.**

**Directors to elect officers.**

SEC. 3. *Be it further enacted,* That the purchasers of such railroad, its property and franchises, may, after being put in possession of said property under such sale, meet together, adopt a name for the company or corporation to operate said railroad, and elect a Board of Directors of such members as they may see fit, not less than three, at least one of whom shall reside in this State, and in such meeting of said purchasers every person interested in the said purchase shall be entitled to one vote for every \$100 of such interest, unless the number of votes to which each party shall be entitled, and the mode of representing the interest of the purchasers shall have been previously agreed upon among the parties interested in said purchase; and the said Board of Directors shall proceed to elect a President, and such other officers as may be expedient for the proper management of said property, fix their compensation and duties, and adopt by-laws for the government of said company, not inconsistent with the laws of this State, and shall fix the amount of the capital stock of said company, and the amount of

stock or bonds, or both, which shall represent the interest of said purchasers, dividing such stock into shares of \$100 each. The said Board of Directors shall make a certificate showing the name of the corporation, the amount of its capital stock, the shares into which the same is divided, the number and residence of the Board of Directors, where the road lies, and the name or names by which it has heretofore been chartered and known, Certificate of organization to be filed with the Secretary of State. and shall cause the same to be signed by the President and the members of such Board, and to be filed with the Secretary of State of this State; and thereupon the said purchasers shall be a body corporate, under the name so adopted, with all the rights, powers, privileges, immunities and franchises possessed under the laws of this State by the company or companies whose road and franchises were sold as aforesaid, under the acts of incorporation thereof, or any amendments thereto, any subsequent act or acts of this State, and with all the rights, powers, privileges and franchises possessed by the corporation formed and organized for the building of railroads under Act 1, Chapter 4, Title 9, or other provisions of the Code of this State. And said Board of Directors shall issue to the parties interested in the purchase of said railroad, shares of the capitol stock thereof of \$100 each, to such Shares \$100. amount as they shall determine, in proportion to their rights and interests in the property, which shares shall be fully paid, and not liable to calls, and also such bonds and obligations as they may determine; *Provided*, that no railroad company or corporation shall have the power under this Act, or any other law of this State, to create a mortgage or other kind of lien on its property in this State which shall be valid and binding against judgments or decrees, and execution therefrom for timbers furnished or work and labor done on its road, or for damage done to persons and property in the operation of its road in this State; and *provided further*, that this State shall have such powers over the operations of all railroads in this State as to prevent, by appropriate legislation, unjust discrimination against and extortions for freight and passage over such railroads. No lien of mortgage to be valid against judgments for work or material.

SEC. 4. *Be it further enacted*, That nothing in this Act contained shall be so construed as to interfere in any manner with valid prior mortgage liens, if any, upon the Prior of State liens to remain intact. property, rights, franchises and privileges of the company, whose road may be sold as aforesaid, nor in any way to impair, modify, or diminish the right of priority of any lien this State may have on the property so sold.

*Forfeited rights are not restored.*

SEC. 5. *Be it further enacted,* That nothing herein contained shall be construed as giving to the purchasers of any road any rights, immunities or privileges that had been forfeited previous to the purchase, whether said forfeitures had been declared or not, nor to give, nor shall any thing herein contained be construed to give the said roads any claim against the State of Tennessee under the internal improvement laws, nor shall they have any exemption from taxation, nor to give the purchasers any right or exemption from taxation, by the State of Tennessee or any counties or municipalities through which said roads may pass, which were granted under the original charters of the railroads purchased, or other laws of this State.

Claims against the State or exemption from taxation do not pass to purchaser.

SEC. 6. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 12, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 16, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XIII.

AN ACT for the benefit of the Shelby County Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a tollgate may be located and erected nearer than one mile of the corporate limits of the city of Memphis, in Shelby county; but nothing in this Act shall empower the Shelby County Turnpike Company, or any one for them, to collect toll on any travel from those living or residing on said road within one mile of the corporate limits of said City of Memphis, and within one quarter of a mile on each side of the line of said road.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed March 16, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 19, 1877.

JAMES D. PORTER,  
*Governor.*

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## CHAPTER XIV.

AN ACT to create a new county off of Benton, Carroll, Henderson and Decatur counties in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county is hereby established, to be composed of portions taken from Benton, Hanes county, Carroll, Henderson and Decatur counties, to be known and designated by the name of Hanes.

SEC. 2. *Be it further enacted*, That the county of Hanes shall be bounded as follows: beginning on the Humphreys county line in the Tennessee river, at a point eleven miles southeast of Camden, runs thence west to Flowers' old mill on Birdsong creek, thence northwest to a point 18 miles from the beginning, thence south to the Henderson county line about 18 miles, thence southeast to a point due west of Hawsville, thence due east via Hawsville to the middle of the Tennessee river, thence down said river with the middle of its channel to the beginning, containing about 290 square miles. Boundaries.

SEC. 3. *Be it further enacted*, That for the purpose of organizing the county of Hanes, G. W. Hanes, J. H. Fry, D. Hill, A. R. Tippett, Eli Hatley, H. A. McKay, J. F. Rogers, J. J. Morgan and B. F. Morris shall be and are hereby appointed Commissioners on the part of the several fractions in which they reside, who shall, before entering on the discharge of their duty, take an oath to organise. Commissioners

**Vacancies.**

partially to discharge all the duties incumbent upon them in this Act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the County Court of said county of Hanes, the same shall be filled by the remaining Commissioners, and all vacancies occurring after the organization of such Court, shall be filled by said Court of the county of Hanes. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Hanes, and payable to the Chairman thereof, conditioned for the faithful performance of their duties, as required by this Act. A majority of said Commissioners

*Acts of Commissioners reported to Co'ty Court.*  
shall constitute a board competent to do all things herein enjoined on them; they shall keep a record of all their proceedings as Commissioners, which shall be returned to the County Court of Hanes county at its first section, and the same shall be recorded by the Clerk thereof on the records of said Court; and they shall make such returns, after the organization of said Court, as shall be directed thereby.

**Election for new county.** SEC. 4. *Be it further enacted,* That it shall be the duty of said Commissioners, first giving thirty days notice in one public place or more, of the time and place to open and hold an election in one place or more in each

of the fractions proposed to be stricken off from the counties of Benton, Carroll, Henderson and Decatur, in order to ascertain whether two-thirds of the voters residing in each of the said fractions are in favor of or opposed to the formation of said new county of Hanes, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said election, and each voter who is in favor of the formation of the new county, shall have on his ticket, "New County," and each voter opposed to the formation of said new county of Hanes, shall have on his ticket, "Old County," and if, after

**Who shall vote**

counting the vote cast in said election, it shall appear that there are two-thirds of the legal votes cast in each of said fractions in favor of the new county, then in that case the county of Hanes shall be and is hereby declared a county, with all the powers and privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

**And how.**

SEC. 5. *Be it further enacted,* That in order to carry into effect, and make certain and accurate the provisions in the 4th section of this act, said Commissioners are hereby empowered and authorized to canvass and take

**Census voters.**

the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Benton, Carroll, Henderson and Decatur.

**SEC. 6. Be it further enacted,** That for the due administration of justice, the different Courts to be holden in the said county of Hanes shall be held at such place or places, as may be designated by the said Commission, until the seat of justice shall be located, and all writs and other process issuing from said Courts returnable to the place, shall be legal, and the Courts of the county of Hanes shall be under the same rules, regulations and restrictions, shall have, exercise, and possess the same power and jurisdiction as prescribed by law for holding Courts in other counties, and said county shall be attached to the 12th Judicial Circuit; and the first Circuit Court shall be held at the time designated by the Judge of said Circuit, and shall be attached to the 9th Chancery Division, and the first Chancery Court shall be held at such time as the Chancellor Judge shall designate.

**SEC. 7. Be it further enacted,** That all officers, civil or military, now holding office in said county, shall continue to hold their offices and exercise all the functions and powers thereof until others are elected and qualified according to this Act: *Provided*, that nothing in this Act shall deprive the counties from which the fractions have been taken, having, exercise, and holding jurisdiction over the county of Hanes, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place according to this Act.

**SEC. 8. Be it further enacted,** That Commissioners are hereby empowered, and it shall be their duty to appoint five qualified and suitable persons to divide said county into not less than nine civil districts, designating boundaries and places for holding elections in said districts, and perform all the duties relating thereto which by the laws of the State such Commissioners are required to do.

**SEC. 9. Be it further enacted,** That the Commissioners appointed by this Act shall appoint such person or persons, as they may think proper, to open and hold the elections for county officers of said county of Hanes, and such person or persons so appointed shall have power to appoint deputy clerks and judges, and by himself and deputies to administer all the necessary oaths, and perform all other duties now made the duties of Sheriffs, or other officers, holding similar elections, and it shall be

Courts, when  
and where held

Old counties  
have full con-  
trol until elec-  
tion of officers.

Civil districts

Election of  
county officers.

By whom, how  
and when held

the duty of such persons so appointed, together with their deputies, after giving fifteen days notice to open the polls and hold an election in each civil district in said county for district and county officers, and the officers so elected shall hold their offices until the next regular election for the different officers so elected takes place in other counties in the State.

Selecting Co.  
seat.

SEC. 10. *Be it further enacted*, That it shall be the duty of the above named Commission, so soon as convenient after the full and complete organization of the said county of Hanes, to select and put in nomination two or more suitable locations for the seat of justice of the said county of Hanes, having a due regard for health and convenience of a majority of the citizens of said county, neither of which places shall be more than two miles from the supposed or probable center of said county of Hanes, which places shall be voted for by the legal voters of said county, and the site nominated receiving the largest number of votes, shall be and is hereby declared to be the seat of justice of the said county of Hanes, and shall be known by the name of Mt. Carmel.

Town to be  
laid off.

SEC. 11. *Be it further enacted*, That it shall be the further duty of said Commission to obtain a good and sufficient title to twenty acres of land, upon which the seat of justice of said county is located by the vote of the people, and said Commission shall lay off said land into town lots of proper size, with the necessary streets and alleys, reserving — acres for a public square, and a suitable lot for a county jail.

Public build-  
ings.

SEC. 12. *Be it further enacted* That it shall be the duty of said Commission to superintend the erection of such public buildings as the County Court of said county may direct to be built, and shall let the same out, and shall take bonds with ample security, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contract, the proceeds of the sales of all donations, lands, town lots, or other gifts that may be made in consideration of the location of the seat of justice for said county of Hanes, or otherwise, shall be a fund in their hands to pay the necessary expenses in organizing said county and paying for the erection of public buildings ordered to be built by the County Court, and should any surplus remain in their hands, it shall be their duty to pay over the same to the Trustee to be accounted for by him as other funds in his hands.

Proceeds of  
donations.

SEC. 13. *Be it further enacted*, That said Commissioners of Hanes county be and they are hereby authorized

to exercise all powers and privileges conferred on them by this Act, and any and all other powers not in violation of the Constitution of the State that may be necessary and proper for the complete setting up and organization of said county of Hanes.

SEC. 14. *Be it further enacted*, That the fractions composing said county of Hanes shall be liable for their *pro rata* of the debts contracted and owing by the counties from which they were taken, and shall also receive their portion of any stocks or credits belonging to said old counties.

SEC. 15. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

*Provided.* that this Act shall not be so construed as to violate the Constitutional rights of the old counties of which it is composed.

Passed March 16, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 19, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XV.

AN ACT to abolish the office of County Judge of Sumner County, and to authorize the Justices of said county to elect a Chairman of the County Court thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of an act passed March 21, 1860, section 316, B, sub-sections 1 to 13 inclusive, of Code (Thompson & Steger), creating and establishing the office of County Judge of Sumner county, and all acts and parts of acts passed prior or subsequent thereto, conferring power or jurisdiction on the judge or judges elected,

or to be elected, thereunder for the county of Sumner, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That the justices of the peace of said county be authorized and empowered, on the first Monday of July, 1878, to elect out of their number a Chairman of the County Court, to hold his office until the first Monday in January, 1879; and on the first Monday in January, 1879, and every year thereafter the said justices will elect, out of their own number, a chairman, and the chairman to be elected hereunder will have and exercise all the powers, duties and jurisdiction pertaining to chairmen of county courts under the general laws of this State; and that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Passed March 16, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 19, 1877.

JAMES D. PORTER,  
*Governor.*

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## CHAPTER XVI.

**AN ACT** declaring the mode and manner of valuing the property of Telegraph Companies for taxation, and of taxing Sleeping Cars.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That each telegraph company owning and operating a telegraph line in this State shall, by the first day of May, 1877, and for every succeeding two years, make out and file with the Com-

Companies to furnish schedule of property troller of the Treasury, a complete schedule of all its property in the State, real, personal or mixed, setting forth the number of miles and fractions thereof of its line or lines in this State, and in each county and incorporated town in the State, and also the number of lines of wire and the length thereof, and the number of poles

used and the value of the whole, and of each part as subdivided herein, the number of batteries at each office, and the gross receipts of each office or station in the State for the last five years; and all real, personal or mixed property belonging to the company within this State not enumerated above, with its value.

SEC. 2. *Be it further enacted,* That the schedule provided for by this act shall be passed by the Comptroller to the railroad tax assessors provided for by the act of March 20, 1875, and the acts amendatory thereof, and said assessors shall value each telegraph company, finding first the total value of its property in the State, and from this amount shall be deducted \$1,000.00, and the amount so found shall be the sum to be taxed to such telegraph company for State purposes, and the value per mile as ascertained shall be multiplied by the number of miles or fractions thereof lying and being in any county, and the product shall be the sum or value of their property taxable for county purposes; and the value of said telegraph companies thus ascertained to be situated in any incorporated town, shall be the value or sum taxable for municipal or corporation purposes wherein the same may be situated.

SEC. 3. *Be it further enacted,* That the first ten sections of the act of March 20, 1875, chapter 78, defining the mode and manner of taxing railroads, and the acts amendatory thereof, shall apply to the assessment of telegraph companies; and the duties imposed and the powers given to the assessor, and the Comptroller, Governor, Secretary of State, and Treasurer, as a board of examiners, in valuing railroads and in providing for taxing them by the State, counties and incorporated towns, and for collecting the taxes assessed against them, is hereby made to apply to telegraph companies, it being intended by this act to place railroads and telegraph companies upon the same footing, and with the same rights, duties and burdens.

SEC. 4. *Be it further enacted,* That the Governor, Treasurer, Secretary of State, and Comptroller of the Treasury are hereby empowered and authorized to settle with the telegraph companies owning property in the State, as aforesaid, for the taxes due the State for the year 1873, 1874, 1875 and 1876, upon the value of their property. They are authorized to make such settlement as to the amount due the State for those years as is just and right, and if such settlement will not be acceded to by said companies, they will direct proper proceedings

R. R. tax as  
sessors to as  
sess valuation  
of property.

Valuation for  
municipal  
taxes.

Railroad tax  
law 1875 made  
to apply.

State officers  
to settle with  
the companies for  
taxes for pre-  
vious years.

to collect the same to be instituted; *provided*, that in such settlement said officers shall credit said telegraph companies with the amount of privilege taxes paid by them for the years above mentioned.

*Acts repealed.* SEC. 5. *Be it further enacted*, That section 8 of the act of December 12, 1871, and so much of section 46 of the act of March 22, 1873, declaring telegraph a privilege, and all laws and parts of laws levying any other tax upon telegraph companies than an *ad valorem* tax, as provided by this act, be and the same are hereby repealed.

*Tax on sleeping coaches.* SEC. 6. *Be it further enacted*, That the running and using of sleeping cars or coaches on railroads in Tennessee, not owned by the railroads upon which they are run or used, is declared to be a privilege, and the companies owning and running or using said cars or coaches are required to report, on or before the first day of May of each year, to the Comptroller the number of cars so used by them in this State; and they shall be required to pay to the Comptroller, by the first of July following, \$50 for each and every of said cars or coaches used or as run over said roads; and if the said privilege tax herein assessed be not paid as aforesaid, the Comptroller shall enforce the collection of the same by distress warrant.

*Collection enforced.*

SEC. 7. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 9, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 16, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XVII.

**AN ACT to extend the time allowed for the completion of the unfinished railroads in the State.**

WHEREAS, In consequence of the financial panic through which we are passing, many railroad companies have been forced to suspend the work of construction; and,

WHEREAS, It is of great importance to the sections through which the unfinished roads are to pass that, as far as may be, such companies shall be encouraged to re-organize for the purpose of resuming at an early day.

WHEREAS, In some instances the time granted in the charter, within which roads now to be completed, has or will soon expire, and without an extension of time cannot be completed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all railroad companies chartered by the State which have not been able to complete their roads, shall be granted two years, from the date of the passage of this act, for the completion of their roads, and the acts of incorporation of said roads, in so far as they conflict with this act, are hereby amended.

Two years  
granted for  
completion of  
unfinished  
railroads.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it; provided, however, that all railroads accepting this extension shall be entitled to receive no aid in the shape of bonds, subscription as money, or otherwise, from the State, under any previous laws of the State; and, provided further, that all of said railroads or companies shall surrender any and all exemptions from taxation claimed under original charters or amendments thereto.

Exemptions  
surrendered.

Passed March 19, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**

*Speaker of the Senate.*

Approved March 19, 1877.

**JAMES D. PORTER,**  
*Governor.*

## CHAPTER XVIII.

AN ACT to amend section 66 of an act passed March 20, 1875, applying to municipal corporations having more than thirty-five thousand inhabitants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the first sentence of said section be so amended as to make the past due bonds of said municipal corporations, like other past indebtedness, receivable in the payment of all taxes that have accrued up to the first day of January, 1875.

SEC. 2. *Be it further enacted,* That the second sentence of said section 66 be so amended as to read, but all taxes falling due after the first day of January, 1875, shall be payable in current funds, or in past due indebtedness of the city for the current year in kind or such as the tax for which it is received might be applied after collection, but all taxes falling due in 1877, or thereafter, shall be paid either in cash or in the recognized compromised coupons and bonds of said corporations, and not otherwise; *Provided*, said compromise is effected; if not, then said taxes are to be paid as provided in the foregoing part of this section.

SEC. 3. *Be it further enacted,* That, the public welfare requiring it, this act take effect from and after its passage.

Passed March 16, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 20, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XIX.

**AN ACT** to amend an Act entitled "An Act declaring the mode and manner of valuing the property of a railroad company for taxation," passed March 20, 1875, and to adjust the rights of the State and railroads in Tennessee under the decision of the Supreme Court, holding that the 11th section of said Act is unconstitutional.

**SECTION. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Railroad Tax Assessors, provided for by an Act passed March 20, 1875, declaring the mode and manner of valuing the property of a railroad company for taxation, shall hold their office for two years, and until their successors are appointed and qualified.

**SEC. 2.** *Be it further enacted,* That at the first meeting of said Railroad Tax Assessors after their appointment, they shall elect one of their number as President of the Board; and said Assessors shall appoint a Secretary, who shall transcribe into a well bound book the entire proceedings of said Board, which record thus made by the Secretary shall be read over, corrected (if the same be necessary) and approved by the Board each day, and shall be signed by said Board; and said Secretary shall carefully preserve and file away all reports, documents, and proof taken, as used by said Assessors. Assessors organize.

**SEC. 3.** *Be it further enacted,* That as soon as said Railroad Tax Assessors shall have completed their assessment of any railroad, they shall give notice for four days of said fact through one of the leading newspapers at Notice of assessments. Nashville, Knoxville, Jackson and Memphis; and all parties interested in said assessment may, in ten days after said publication, file exception to the same, with any proof that they may desire, which shall be examined by the assessors and passed upon; and if in their opinion their first assessment is erroneous, they shall correct the same and certify it to the Comptroller, as provided by section 6 of the Act passed March 20, 1875.

**SEC. 4.** *Be it further enacted,* That all proof taken by said assessors shall be reduced to writing, and be sworn Proof. to and signed by the parties; and said assessors shall make such rules and regulations as they may think proper as to notice and the time and mode of taking all proof, so as to afford the parties interested an opportunity to be present and cross-examine witnesses.

Called meetings.

SEC. 5. *Be it further enacted*, That the Governor be and he is hereby authorized to call a meeting of said Railroad Tax Assessors, at any time he may deem it necessary, to perform the duties imposed by this Act, and the Act amended by it.

Exemption.

SEC. 6. *Be it further enacted*, That the Railroad Tax Assessors, in giving railroad companies exemptions under section 3 of the Act passed March 20, 1875, shall deduct only one thousand dollars.

Time.

SEC. 7. *Be it further enacted*, That the assessment provided for by this Act and the Act passed March 20, 1875, shall be for two years, and for every succeeding two years there shall be a new assessment.

Schedules to be furnished by railroads.

SEC. 8. *Be it further enacted*, That all railroads in the State shall, by the first day of May, 1877, and each successive two years thereafter, furnish the schedule and reports required by the Act of March 20, 1875; and the Railroad Tax Assessors hereafter to be appointed by the Governor, shall assess all railroads in the State, and where any railroads have not been assessed for taxation under the first ten sections of the Act of March 20, 1875, by reason of having accepted and complied with the provisions of the 11th section of said act, or for any other cause, the Railroad Tax Assessors, when they meet, shall assess the railroad as aforesaid for the years 1875 and 1876, and also all railroads in the State for the years 1877 and 1878.

Assessments for '75 and '76.

SEC. 9. *Be it further enacted*, That all railroads in the State which accepted and complied with the provisions of the 11th section of the Act of March 20, 1875, shall be entitled to a credit for the amounts respectively paid by them to the State upon the amounts due by them to the State under the assessment made, or to be made, under this Act and the Act of March 20, 1875, for the years 1875, 1876 and 1877; and if the amounts so paid by said companies shall exceed the assessment for said years, the excess shall be refunded by the State to said railroads, with interest.

Excess for previous years to be refunded.

SEC. 10. *Be it further enacted*, That where no assessment has been made against railroads by reason of the 11th section of the Act of March 20, 1875, or for any other cause, the assessment herein provided for shall have the same force and effect as if the same had been made by the Railroad Tax Assessors in 1875.

Rolling stock.

SEC. 11. *Be it further enacted*, That the Railroad Tax Assessors shall estimate the value of all engines, cars, and rolling stock as belonging to the entire railroad upon

which the same are operated, but such as belong in fact to other roads shall not be included in the estimate.

SEC. 12. *Be it further enacted*, That the salary of the Secretary of the Board herein provided for shall be four dollars per day for the time actually employed.

SEC. 13. *Be it further enacted*, That the action of the Board of Examiners provided for by the 6th section of the Act of March 20, 1875, shall be final and conclusive as to the value of a railroad. Said Board of Examiners shall examine the questions of assessment and valuation as upon an appeal upon the record made up by the Railroad Tax Assessors, and said Board of Examiners may, if they think the assessment made by the Railroad Tax Assessors is too high or too low, change the same so as to fix the real value of said railroads, which valuation shall be assessed against them, and the taxes due thereunder be paid; *Provided*, that nothing in this Act shall prevent the authorities of the various counties and incorporated towns from assessing the value of all railroad property held in their respective counties and towns not included in the assessment herein provided for, or which may not be assessed by the assessors as herein provided; *Provided, further*, that no municipal corporation shall levy any tax upon any railroad that passes through it, in the aggregate, in excess of the rate of taxation levied by the county for the same period.

SEC. 14. *Be it further enacted*, That if any company operate and use, at the passage of this Act, more than one railroad in this State, connecting together as one line of road and branches thereof, whether the points of connection be in or out of the State, and any of such roads so used in connection with others, was, by the terms of the charter under which it was constructed, exempt on the first of January, 1875, from taxation, though another of such roads so used in connection was not so exempt by the charter under which it was constructed; then if such company operating and using such consolidated or connecting railroads, will pay the State and county taxes on all and every part of such railroads so connecting and used together, and on all property appertaining to or used in the operation of such roads, regardless of charter exemptions as to such properties, according to the provisions of this Act, from the first of January, 1875, to the first of January, 1885, all and every part of such roads so used together by one company, and all the property in use in the operation of such consolidation of roads, shall be exempt from any and all municipal cor-

poration taxes from said first of January, 1875, to January 1, 1885; and the Railroad Tax Assessors shall take proof, as provided in the fourth section of this Act, to determine what companies shall be entitled to the benefit of this section; *Provided*, that any company which operates only one road which was exempt on first of January, 1875, shall be entitled to the benefits of this section; and *provided further*, that railroad companies which desire to avail themselves of the provisions of this section, shall signify their acceptance in writing, and file the same with the Railroad Tax Assessors by the first day of May, 1877, and a failure to do so shall be construed as a waiver of the same.

Municipal taxes.

SEC. 15. *Be it further enacted*, That incorporated towns through which railroads pass shall only tax such roads for such amounts as may be apportioned to such towns by the Railroad Tax Assessors, as provided for in this Act, and the said amended Act as modified by this Act; and that so much of the Act of March 20, 1875, amended by this Act as is in conflict or inconsistent with this Act, be repealed.

Officer to verify schedules.

SEC. 16. *Be it further enacted*, That the President and Secretary of each railroad company shall verify the correctness and completeness of the schedules required by the first section of the Act passed March 20, 1875, amended by this Act, by affidavit made before some judge of the State, and appended to such schedules; and that it shall be perjury for any such officer to willfully and knowingly swear falsely in such affidavit.

SEC. 17. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March —, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 20, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XX.

**AN ACT** to authorize any railroad corporation which has been created, or whose corporate existence has been recognized by any act of the Legislature of this State, to become purchaser of any railroad sold in this or any adjoining State, under any judicial proceeding, or sold by any purchaser desiring title from such sale.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any railroad corporation which has been created, or whose corporate existence has been recognized by any act of the Legislature of this State, is hereby authorized and empowered to become purchaser of any railroad sold in this or any adjoining State under any judicial proceeding in such State, or sold by any person or persons natural or corporate, who may have purchased or desired title under or from any such judicial sale.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 16, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 20, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXI.

**AN ACT** to repeal an act entitled "An Act to amend the Usury Laws of the State, and to establish a conventional rate of interest," and to prevent the use of money at a greater rate of interest than six per cent. per annum.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed February 23, 1870, entitled "An Act to amend the Usury Laws of the

State, and to establish a conventional rate of interest," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 20, 1877.

JAMES D. PORTER,  
*Governor.*

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## CHAPTER XXII.

**AN ACT** to repeal an Act entitled "An Act to amend the usury laws of the State, and to establish a conventional rate of interest," and to prevent the use of money at a greater rate of interest than six per cent. per annum.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed February 23, 1870, entitled "An Act to amend the usury laws of the State and to establish a conventional rate of interest," be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 20, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXIII.

**AN ACT to prohibit the sale of intoxicating liquors n  
of learning.**

**SECTION 1.** *Be it enacted by the General  
the State of Tennessee,* That it shall not, hereafter, be law-  
ful for any person to sell or tipple any intoxicating bev-  
erage within four miles of an incorporated institution of  
learning in this State, and that any one violating the  
provisions of this Act shall be guilty of a misdemeanor,  
and upon conviction shall be punished by a fine of not  
less than one hundred dollars, nor more than two hun-  
dred and fifty dollars, and imprisonment for a period not  
less than one nor more than six months.

**SEC. 2.** *Be it further enacted,* That this Act shall not  
apply to the sale of such liquors within the limits of any  
incorporated town, nor to sales made by persons having  
licenses to make the same at the date of the passage of  
this Act, during the time for which such licenses were  
granted, nor to sales by manufactories of such liquors in  
wholesale packages or quantities.

**SEC. 3.** *Be it further enacted,* That this Act take effect  
from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 20, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXIV.

**AN ACT** relating to the United States Coast Survey in the State of Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any person employed under and by virtue of an Act of Congress of the United States, passed the tenth day of February, one thousand eight hundred and seven and of the supplements thereto, or under the direction of Congress to form a Geodetic connection between the Atlantic and Pacific coasts, and to furnish triangulation points for State Surveys, may enter upon such lands within this State for the purpose of exploring, triangulating, leveling, surveying and of doing any other act which may be necessary to carry out the objects of said laws, and may erect any works, stations, buildings and appendages requisite for that purpose, doing no unnecessary injury thereby.

**Damages.**

**SEC. 2.** *Be it further enacted,* That if the person or persons, over whose lands the survey has been made, or upon whose lands monuments, stations or buildings have been erected, or who has in any way sustained damage by such survey, cannot agree with the officer of the Coast Survey as to the damage sustained, the amount of such damage may be ascertained in the manner provided by Chapter 11, of Title 8, Code of Tennessee, providing for taking private property for public uses.

**Landmarks to be sacred.**

**SEC. 3.** *Be it further enacted,* That if any person shall willfully deface, injure or remove any signals, monuments, buildings or other property of the United States Coast Survey, constructed or used, under or by virtue of the Acts of Congress aforesaid, he shall forfeit a sum not exceeding fifty dollars for each offense, and shall be liable for damages sustained by the United States in consequence of each defacing, injury or removal, in an action on the case in any Court of competent jurisdiction.

**SEC. 4.** *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 17, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 21, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXV.

**AN ACT** for the Protection of Fish in the Counties of Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry and Crockett, Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any person or persons to catch or take fish with seins, nets, traps, gigs, or by any other means whatsoever, otherwise than by angling with hook and line and with trot line, from the waters of any running stream in this State, and in case of a violation of the above provision, the proprietor or proprietors of the land covered by or adjoining the waters wherein the offense shall be committed, may have a remedy by action at law or by a bill in Chancery and injunction, and in either form of action, may have an attachment to attach the seins, nets, traps or other device provided against by this, Section, and in Chancery any number of such proprietors may join in the bill against any number of such trespassers, and the bill shall not be dismissed for multifariousness.

**SEC. 2.** *Be it further enacted,* That it shall not be lawful for any person or persons, to place across any stream in this State, near its mouth or opposite thereto, any seine, net, trap, or other device, which would prevent the free passage of fish, up or down the same, *provided* this shall not interfere to prevent the erection of dams for mills. A violation of any of the provisions of this Act is hereby declared to be a misdemeanor. Nothing in this Act shall be understood to forbid the use of a hand or minnow net in taking small fish, to be used for bait in angling, or trot line, as before provided.

**SEC. 3.** *Be it further enacted,* That it shall be the duty of the Judges of the Criminal and Circuit Courts of the State, to give this Act in special charge to the Grand Juries at each term of their respective Courts, and the Grand Juries shall have the right and power to send for and examine witnesses, in all cases when they suspect a violation of this Act, and any one of the Grand Jurors shall have the power to swear such witnesses, and the jury may make presentment upon their testimony.

**SEC. 4.** *Be it further enacted,* That prosecutions under this Act may be sustained by indictment without any *Prosecutions.* prosecutor. The provisions of this Act shall not apply

to navigable streams in this State, below the point of navigation.

**Limits.** SEC. 5. *Be it further enacted*, That this Act shall apply only to the counties of Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry and Crockett. *Provided*, that that portion of Crockett county formerly belonging to Dyer county shall be exempt from the provisions of this Act.

SEC. 6. *Be it further enacted*, That all laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 21, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXVI.

AN ACT to change the time of holding the Circuit Court of Trousdale County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the term of the Circuit Court of Trousdale county, which now begins on the fourth Monday of December, shall begin on the third Monday of December, and all process, bonds, and recognizances, made returnable to said fourth Monday, shall be returnable to the third Monday, as established by this Act.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 21, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXVII.

**AN ACT to change the time of holding the Circuit Court of Macon County.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That the term of the Circuit Court of Macon county, which now begins on the third Monday in December, shall hereafter begin on the first Monday in January ; and all process, bonds and recognizances made returnable to said December term, shall be returnable to said first Monday in January.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 21, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XXVIII.

**AN ACT to extend the jurisdiction of Boards of Health.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That Boards of Health now existing, or that may hereafter be established in the various cities and towns of the State, shall have the same jurisdiction and authority to do all acts in the territory extending one mile from the Corporation line, in any direction that they have within the Corporation ; *Provided*, that the jurisdiction herein conferred shall not extend beyond the limits of the county, in which any city or town is situated ; *and provided*, that if two cities lie nearer than two miles of each, the jurisdiction in distance shall be divided between them.

SEC. 2. The public welfare demanding it, this Act shall take effect from and after its passage.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 21, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XXIX.

**AN ACT** to reduce the boundaries of the corporations of the towns of Lebanon and Manchester, Tennessee.

Lebanon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the boundaries of the corporation of the town of Lebanon, Tennessee, shall be as follows, to wit: beginning at the intersection of the Tennessee & Pacific Railroad with Greenwood street or Tucker's Hill turnpike, running thence to the southwest corner of E. J. Golladay's lot, purchased of C. J. Woollard and W. H. Smith; thence with the street north to Town Creek; thence up said creek to the southeast corner of the Fair Grounds; thence with the east boundary line of the Fair Grounds to the Cole's Ferry pike; thence by a straight line to the southeast corner of W. W. Carter's lot, in the center of Cumberland River pike; thence due east four hundred feet to a stake; thence by a straight line to a point in the Rome pike two hundred and fifty yards from Miss Margaret Campbell's northeast corner; thence due south to the Cove Spring; thence by a straight line to the present eastern terminus of Tennessee & Pacific Railroad; thence with said railroad to the beginning.

SEC. 2. *Be it enacted,* That this Act shall not be so construed as to release any person or properties within

the limits of the old boundaries from the liability for the bonded debt created before the passage of this Act.

SEC. 3. *Be it further enacted*, That Section 17 of an Act passed February 6th, 1858, entitled "An Act to amend the charter of the city of Knoxville, and to incorporate the town of Manchester, Coffee county," to amend the charter of the city of Memphis, to amend the charter of the town of McMinnville, and to amend the ~~Manchester~~. second section of an Act passed February 28th, 1856, chapter 133, entitled "An Act to provide for the election of an additional Justice of the Peace of the town of Rome," be so amended as to strike out all after the words "as follows," in the second line, and insert, "beginning at a spring at the northeast corner of a tract of land conveyed by Andrew Erwin to the companies to locate the town of Manchester; thence on east to a stake one hundred and fifty feet east of the McMinnville and Manchester Railroad; then south  $11^{\circ}$  west to the old Hickory Creek road; thence east to the bank of Camp Fork of Duck river; thence up the river to W. D. Carnes' northwest corner; thence south with his west boundary to the Hillsboro road; thence westward along the north margin of said road to a stake one hundred and fifty feet east of said railroad; thence south  $11^{\circ}$  west to the Grindstone Hollow; thence west with said hollow to a stake in the west boundary of the town site; thence north with said west boundary to said river, and thence eastward to the beginning, so as to include the town spring..

SEC. 4. *Be it enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 21, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XXX.

AN ACT granting to the town of Mitchellsville an additional Justice of the Peace.

SEC. 1. *Be it further enacted by the General Assembly of the State of Tennessee,* That the incorporated town of Mitchellsville shall have a Magistrate in addition to the two now allowed in Civil District No. 1, in Robertson county, who shall live within the corporate limits of the town of Mitchellsville.

SEC. 2. *Be it further enacted,* That this additional Magistrate in the town of Mitchellsville, Civil District No. 1, in the county of Robertson, shall have concurrent jurisdiction with the other Justices of the Peace in said county of Robertson.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 21, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XXXI.

AN ACT to declare the terms on which Foreign Corporations organized for mining or manufacturing purposes may carry on their business, and purchase, hold and convey real and personal property in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That corporations chartered or organized under the laws of other States or countries, for the purpose of mining ores or coals, or of quarrying stones or minerals, of transporting the same, or erecting, purchasing or carrying on works for the manufacture of metals, or of any articles made of or from metal, timber, cotton or wool, or of building dwelling houses for their

workmen and others, or gas works, or water works, or other appliances designed for the promotion of health, good order, or general utility, in connection with such mines, manufactories and dwelling houses, may become incorporated in this State, and may carry on in this State the business authorized by their respective charters, or the articles under which they are or may be organized, and may enjoy the rights and to do the things therein specified, upon the terms and conditions, and in the manner and under the limitation herein declared.

SEC. 2. *Be it further enacted,* That each and every corporation created or organized under or by virtue of any government other than that of this State, of the character named in the first section of this Act, desiring to carry on its business in this State, must first file in the office of the Secretary of State, a copy of its charter or articles of association, certified in the manner directed <sup>copy of charter</sup> by law for the authentication of the statutes of the State or country under whose laws such corporation is chartered or organized, and must cause an abstract of the same to be recorded in the office of the register of each county in which such corporation proposes to carry on its business or to acquire any lands.

SEC. 3. *Be it further enacted,* That such corporations shall be deemed and taken to be corporations of this State, and shall be subject to the jurisdictions of the Courts of this State, and may sue and be sued therein in the mode and manner that is, or may be, by law directed in the case of corporations created or organized under the laws of this State.

SEC. 4. *Be it further enacted,* That such corporations may purchase, acquire and hold real estate in fee or any other interest less than the fee, and personal property of every kind; as they may deem necessary or suitable for the carrying on of the business specified in their said charters or articles of association, filed as aforesaid with the Secretary of State, and may sell, lease and convey such real estate as natural persons may do. And the State of Tennessee does hereby release its right of escheat by virtue of the alien origin of such corporations, or the alienage or non-residence of the shareholders of such corporation, or any of them.

SEC. 5. *Be it further enacted,* That the corporations, and the property of all corporations coming under the provisions of this Act, shall be liable for all the debts, liabilities and engagements of the said corporations, to be enforced in the manner provided by law, for the ap-

<sup>May hold  
property like  
citizens.</sup>

<sup>Property liable  
for debts.</sup>

**Resident cred-  
itors have pri-  
ority.**

plication of the property of natural persons to the payment of their debts, engagements and contracts. Nevertheless creditors who may be residents of this State shall have a priority in the distribution of assets, or subjection of the same, or any part thereof, to the payment of debts over all simple contract creditors, being residents of any other country or countries, and also over mortgage or judgment creditors, for all debts, engagements and contracts which were made or owing by the said corporations previous to the filing and registration of such valid mortgages, or the rendition of such valid judgments. But all such mortgages and judgments shall be valid, and shall constitute a prior lien on the property on which they are or may be charged as against all debts which may be incurred subsequent to the date of their registration or rendition. The said corporations shall be liable to taxation in all respects the same as natural persons resident in this State, and the property of its citizens is or may be liable to taxation; but to no higher taxation, nor to any other mode of valuation, for the purpose of taxation; and the said corporations shall be entitled to all such exemptions from taxation which are now or may be hereafter granted to citizens or corporations for the purpose of encouraging manufactures in this State or otherwise.

**Taxation.**

**Right of way.**

SEC. 6. *Be it further enacted,* That such of said corporations as shall engage in the mining of coals, iron ore or other minerals, and in the manufacture of iron and other metals, shall have the right to construct and maintain roads, bridges, canals, tramways, telegraph lines and railroads between their mines and their places of manufacture, and for purposes of inlet or outlet to or from any railroad now or hereafter to be constructed, or to any river or water way at the point or place most convenient for its operation and its business, and for this purpose such a corporation may purchase or acquire the necessary rights of way by contract with the owner or owners of the said lands on which the right of way is desired.

**Copy of char-  
ter to be filed  
in one year.**

SEC. 7. *Be it further enacted,* That all corporations coming under the provisions of this Act, shall in good faith and truly, within one year after filing with the Secretary of State the certified copy of the charter or articles of association as hereinbefore provided, begin and proceed with the business described in the said charter or articles of association so filed, and shall in good faith continue the same under the powers of said corporation in this said charter or articles of associations as in this

Act declared; it being a chief object of this Act to secure the opening and development of the mineral resources of the State, and to facilitate the introduction of foreign capital, and upon the failure of any such corporation to commence in good faith, to develop and work some portion of its property within this State within <sup>Rights for- feited.</sup> one year after filing its said charter or articles of association in the office of the Secretary of State, all rights and privileges conferred by this Act shall lapse and become void and of no effect.

SEC. 8. *Be it further enacted,* That any corporation obtaining and having the privileges of this Act, may establish towns, villages or settlements for the use and residence of its employees, and others, on any lands <sup>Municipal powers.</sup> acquired by virtue of this Act, and until the population is sufficiently large for the formation of municipal corporations in any of such towns or villages, may establish such regulations for the government thereof as shall not be inconsistent with the laws of this State; and it shall not be lawful for any person or persons (except for medical uses as evidenced by the written order of some duly certified medical practitioner), nor for any corporation, to distill, have, make, sell, barter, or give away, any spirituous liquor or intoxicating drink of any kind, whether described as "bitters," or by any other name that may be used to disguise its real nature, or to evade the provisions of this Act, upon any lands acquired by any corporation under this Act, nor within a radius of five miles, (except within the boundaries of an incorporated town), from any mine or quarry, or of any furnace, rolling mill, foundry or factory of any kind established or purchased by any corporation under this Act, so long as such mine, quarry, furnace, rolling mill, foundry or factory is actually worked, or held for the purpose of being worked, or whilst under construction, and all the provisions and restrictions of Chapter 112 of the Acts of the Legislature of Tennessee, 1871, passed 14th December, 1871, are hereby declared applicable to all corporations organized under this Act; and all persons violating any of the provisions of this section of this Act, shall be punished as declared in the said Act of 1871. <sup>Liquor pro-hibited.</sup>

SEC. 9. *Be it further enacted,* That if any such charter or articles of association, or any part thereof, filed as aforesaid in the office of the Secretary of State, should be in contravention or violation of the laws of this State, all such parts thereof as may be found to be in conflict with the laws of this State shall be null and void.

SEC. 10. *Be it further enacted*, That this law shall take effect from the date of its passage, the public welfare requiring it.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 21, 1877.

JAMES D. PORTER,  
*Governor.*

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## CHAPTER XXXII.

AN ACT to provide for the removal and re-interment of the remains of ex-Governor Willie Blount, and to erect a suitable monument over his grave.

WHEREAS, it is represented that ex-Governor Willie Blount died many years ago in the county of Montgomery, and was buried about ten miles from the town of Clarksville in said county; and,

WHEREAS, It is further represented that the grounds where he is buried are now neglected, and that nothing but a small slab marks the last resting place of this once illustrious citizen and Governor of the State; and

WHEREAS, It is the opinion of the General Assembly of Tennessee that the memory of the illustrious deceased should be honored by a proper and decent burial ground, and by a monument suitable to his character and distinguished services; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Superintendent of the Capitol shall, within the next six months, remove the remains of ex-Governor Willie Blount to, and inter them in, Greenwood Cemetery, near the town of Clarksville, in the county of Montgomery.

SEC. 2. *Be it further enacted*, That the Superintendent of the Capitol shall, as soon as possible after he has

complied with the requirements of section 1 of this act, have a suitable monument erected over the grave of said ex-Governor Blount, with suitable inscriptions thereon, the inscription to be furnished him by the present Governor of the State.

SEC. 3. *Be it further enacted*, That the expenses of executing the requirements of this act shall be paid by the Treasurer upon the warrant of the Comptroller, such warrant to be issued upon the order of the Governor; *Provided*, the monument shall not cost more than five hundred dollars.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 21, 1877.

JAS. D. PORTER,  
*Governor.*

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### CHAPTER XXXIII.

**AN ACT** for the more efficient collection of municipal taxes in corporations having more than 35,000 inhabitants.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in offering lands within any of said municipal corporations for sale, the tax collector or party making such sale shall offer it first for the unpaid municipal taxes, costs and charges for the shortest period less than two years to any one who will bid and pay the amount of said taxes, costs and charges, except mandamus taxes for the year which it is sold, and if such a purchaser shall be found for the shortest period less than two years, or if no such purchaser shall be found, then, and at the same time and place, said lot, piece or parcel of land shall be sold for the unpaid taxes.

county and other taxes, with same rights of redemption and other rights as now provided under existing laws.

**Purchaser to have immediate possession.** SEC. 2. *Be it further enacted,* Whenever at any sale for unpaid municipal taxes, any person shall have purchased any lot, piece or parcel of ground for any period less than two years, and received a certificate therefor, he shall be entitled to the immediate possession of such lot, piece or parcel of land for said period and no longer, and during said period the same shall not be subject to redemption; and if, on demand and presentation of said certificate to the party or parties in possession, then the party purchasing said property or holding said certificate, their agents or attorneys, may obtain a writ of possession from the clerk of the court ordering the sale of the property, and immediately be put into possession of the property so purchased, unless it is then made to appear either that said property was not subject to taxation, or that the taxes had been paid prior to the sale.

**Laws repealed** SEC. 3. *Be it further enacted,* That so much of chapter 118, of an act passed March 22, 1873, entitled "An Act to provide more just and equitable laws for the assessment and collection of revenue for State and county purposes, and to repeal all laws now in force whereby revenue is collected from the assessment of real estate, personal property, privileges and polls"; so much of an act passed March 20, 1875, entitled "An Act to provide for redeeming land sold for taxes"; and so much of an act passed March 22, 1875, entitled "An Act to amend all laws for the assessment and collection of revenue," as conflict with the provisions of this act, are hereby repealed; *Provided*, that nothing herein contained shall be so construed as to interfere with the State or county in collecting taxes or making sales for same under existing laws, or the right of redemption for same.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXXIV.

AN ACT to repeal section 2 of an act entitled "An Act to amend the charter of the White's Creek Turnpike road, and for other purposes," passed May 24, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 2 of an act entitled "An Act to amend the charter of the White's Creek Turnpike road, and for other purposes," passed May 24, 1866, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XXXV.

AN ACT to amend and declare the law in relation to lawful fences.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act entitled "An Act to amend and repeal certain sections of the Code, and define lawful fences," passed March 23, 1875, be and the same is hereby repealed, and that sections 1683 and 1684 of the Code of Tennessee be and they are hereby re-enacted.

SEC. 2. *Be it further enacted,* That section 1682 of the Code of Tennessee be so amended as to read: Every

*(Lawful fence defined.)*

planter shall make and keep a sufficient fence around his land in cultivation; and a sufficient fence shall be as follows: a common worm or crooked rail fence shall be five feet high, a post and plank or post and rail fence shall be four feet high, and such fences shall be of ordinarily sound and substantial material; a stone fence shall be a substantial wall three and one-half feet high.

*Banks used as fences.* SEC. 3. *Be it further enacted,* That every bank or other means used as a fence, or part of a fence, shall be held and deemed a lawful fence, in the sense of this act, if it be, as an obstruction to stock, equivalent to either of the three classes of fence described in the second section of this act; *Provided*, that such fences shall be close enough for two and a half feet from the bottom to prevent hogs, large enough to do damage, from passing through the fence.

SEC. 4. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XXXVI.

AN ACT to repeal section 11 of an act passed March 17, 1873, entitled "An Act to fund the past due bonds and coupons of the State, and to sustain the credit thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 11 of an act passed March 17, 1873, entitled "An Act to fund the past due bonds and coupons of the State, and to sustain the credit thereof," be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act shall take

effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XXXVII.

**AN ACT** to repeal an act entitled An Act to protect private fisheries, passed March 24, 1875, chapter 114.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That an act entitled an act to protect private fisheries, passed March 24, 1875, chapter 114, so far as the same applies to Obion, Lake, DeKalb and Lawrence counties, be and the same is hereby repealed.*

SEC. 2. *Be it further enacted, That this act take effect from and after its passage, the public welfare requiring it.*

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXXVIII.

AN ACT to repeal an act entitled "An Act for the protection and preservation of game in Lake county," passed March 11, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed March 11, 1875, chapter 17, entitled an act for the protection of game in Lake county, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XXXIX.

AN ACT to repeal Section 27 of an Act incorporating the Winan High School at Knoxville, Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 27 of an Act passed the 5th of March, 1868, entitled "An Act to incorporate the Winan High School at Knoxville, Tennessee, and for other purposes," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XL.

AN ACT to fix the time of holding the Chancery and Circuit Courts at Vanderbilt, for the County of Unicoi.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the times of holding the Chancery Court at Vanderbilt for the county of Unicoi, shall be on the first Mondays in January and July.

SEC. 2. *Be it further enacted*, That the times for holding the Circuit Court for Unicoi county, shall be on the fourth Mondays in February, June and October.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XLI.

**AN ACT** authorizing Insurance Companies to reduce their Capital Stock; and to amend an Act passed March 19, 1875, entitled "An Act to provide for the organization of Corporations."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any Insurance Company, chartered under either a general or special law of this State, be, and the same is hereby authorized to reduce the amount of its capital stock, by the vote of its stockholders owning a majority of said stock; and when such reduction is so ordered by said stockholders, the Board of Directors shall amend the charter of such Company in the manner provided in section 19 of the Act of March 19, 1875, mentioned in the caption of this Act: *Provided*, that any Company availing itself of the power herein conferred, shall have and retain a surplus fund over the amount to which the capital stock shall be reduced, sufficient safely to re-insure all of its outstanding risks and to protect the rights of all existing creditors.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring the same.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XLII.

**AN ACT** to repeal an Act entitled "An Act to establish the Law Court of Nashville," and the Act entitled "An Act to amend an Act to establish the Law Court of Nashville."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the above entitled Acts, the former passed June 29, 1870, and approved July 8, 1870, and the latter passed and approved July 8, 1870, be, and the same are hereby repealed.

**SEC. 2.** *Be it further enacted,* That all the suits in said Court, together with all the papers, books and records thereof, be transferred and tried in the Circuit Court of <sup>Suits transferred to Circuit Court.</sup> Davidson county, which Court shall have full power over the same that it would have had, had the suits been brought in said Court originally.

**SEC. 3.** *Be it further enacted,* That the Clerk of the said Circuit Court shall keep and preserve the papers, <sup>Records and Papers.</sup> records and books of the said Law Court in his office, and in all respects as papers, records and books of the Circuit Court are kept.

**SEC. 4.** *Be it further enacted,* That section 5 of an Act passed December 15, 1871, entitled "An Act to extend the jurisdiction of the Law Court and Chancery Court of Humboldt, Gibson county," be amended by striking out all after the word "Courts" in the fifth line to the word "Courts" in the 8th line; and that section 9 of an Act passed June 29th, 1870, entitled "An Act to establish the Law Court of Nashville," be revived.

**SEC. 5.** *Be it further enacted,* That this Act take effect from and after the first Monday in May, 1878.

Passed March 19, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 22, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER XLIII.

**AN ACT to change the line between the Counties of Dyer and Lauderdale.**

*Changed line.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the line between Dyer and Lauderdale counties be so changed as to transfer from Lauderdale to Dyer county all the territory of Lauderdale county north of the following line: Beginning in the county line in the middle of the channel of Forked Deer river, opposite the old shingle yard below Key Corner, running thence due south to the centre of the road leading to Hale's Point from Double Bridges; thence eastwardly along said road to the centre of the road leading from Key Corner to Ripley; thence southwardly along said road to the centre of the channel of Mill Creek; thence down said creek as it meanders to the county line, to-wit, the south fork of Forked Deer river.

*No exemption from existing liabilities.*

**SEC. 2.** *Be it further enacted,* That the passage of this Act shall in no wise exempt any of the citizens or property within the territory above mentioned from any liability already lawfully incurred either to Lauderdale county or for any railroad subscription.

*Taxes for 1878.*

*Election of Justices.*

**SEC. 3.** *Be it further enacted,* That the County Court of Dyer county shall provide for the assessment and collection of taxes in said territory for the year 1878, and shall provide for the election of Justices of the Peace and Constables in said territory, as soon as they see proper, looking to the public welfare.

**SEC. 4.** *Be it further enacted,* That the Justices of the Peace and Constables who are at present in office within the above described territory, shall serve as officers of Dyer county until their successors shall be elected and qualified.

*Two-thirds of the voters to decide.*

**SEC. 5.** *Be it further enacted,* That nothing in this Act shall be so construed as to reduce Lauderdale county below her constitutional limits; and this Act shall become a law as soon as two-thirds of the qualified voters residing in the territory proposed to be added to Dyer county, shall so express their desire at an election to be held by the sheriff of Lauderdale county, who is hereby authorized and instructed to hold such election in the mode and manner prescribed by law, within six months after the passage of this Act, first giving thirty days' notice of said

election; the polls shall be open as the law provides, in two of the most convenient places in the territory mentioned above, and the said sheriff shall make known the result of the election in writing to the Clerks of the County Courts of Dyer and Lauderdale counties, who shall publish the same: *Provided*, that an accurate survey shall first be made to ascertain if said proposed change will reduce the county of Lauderdale below its constitutional limits.

Election and  
notice of result

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XLIV.

**AN ACT** to establish the county line between the counties of Jefferson and Hamblen, and to appoint Commissioners to run and mark said county line.

WHEREAS, There are differences of opinion existing as to whether the county line between the counties of Jefferson and Hamblen was run in accordance with the provisions of the fourth section of the Tenth Article of the Constitution of the State of Tennessee, in establishing the county of Hamblen, which provides that no line of any new county shall approach the court-house of Jefferson county nearer than eleven miles; and

WHEREAS, It is desirable that said differences of opinion and difficulties shall be adjusted and settled by establishing the county line between said counties according to the provisions of the Constitution of the State of Tennessee. Now, therefore,

*Locating the  
line.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Jefferson and Hamblen shall commence at the mouth of Hull's Branch, on the bank of the Holston River, at or near a corner designated at that place, on said river, in the boundaries of the said county of Hamblen, as specified in the Act of the General Assembly of the State of Tennessee establishing the said county of Hamblen, passed May 31st, 1870, and approved June 8th, 1870, chapter 6; and said county line shall run thence, from the mouth of said Hull's branch, south, 25° east, as specified in said Act, to a stake at a point eleven miles on a direct air line from the court-house of Jefferson county; and shall run thence from said point in an eastern and southeastern direction along or near to the original county line, as designated in said Act, and as run between said counties when the county of Hamblen was established, as specified in said Act, to the Cocke county line, on the northern bank of the French Broad river, between the railroad and the mouth of the Nolachucky river, so as not to approach the court-house of Jefferson county nearer than eleven miles, on a direct air line from said court-house, at any place along the whole length of said county line, as provided in the Constitution of the State of Tennessee.

*Commissioners*

SEC. 2. *Be it further enacted,* That William H. Eckel, Samuel P. Johnson and Temple Harris, of the county of Jefferson, and Rufus E. Rice, William Howell and Wilson C. Witt, of the county of Hamblen, be and they are hereby appointed Commissioners, to survey, run, mark and establish said county line in the way and manner specified in this Act.

*When and  
where Commissi-  
oners shall  
perform their  
duties.*

SEC. 3. *Be it further enacted,* That said Commissioners, or any three or more of them, in the event that any of them, from any cause, shall not act, shall be and they are hereby authorized, empowered and directed to use and employ all the necessary means and appliances to enable them to perform the duties assigned to them in this Act, and they shall meet at or near the mouth of Hull's branch, the beginning corner of said county line, in due time, and as soon as may be practicable after the passage of this Act; and shall proceed to survey, run and mark said county line between said counties, in the manner and in accordance with the courses, specifications and conditions contained in this Act; and they shall specify and designate the courses and distances of each and every line that they may run from corner to

corner all along the whole length of said county line; and they shall also set up, and place permanently in the ground, suitable corner stones, or posts of some durable timber, at each and every corner they may make, and at the end of every mile they may run; and also at the crossing of all public leading roads, water courses and leading ridges; and shall inscribe thereon the capital letters C. L., for county line, all along the whole length of said county line; all of which shall be completed against the first of June next, or as soon thereafter as it may be convenient and practicable for said Commissioners to complete the same; and when said county line shall have been run and marked by said Commissioners in the manner specified in this Act, the said line shall be recognized and acknowledged as the true, settled constitutional county line between the said counties of Jefferson and Hamblen.

Corner stones  
or posts of durable timber.

Time to com-  
plete.

SEC. 4. *Be it further enacted,* That when said Commissioners shall have completed the running and marking said county line, as herein provided, they shall make duplicate plats of said county line, designating the courses and distances of all the line, all along the whole length of said county line; and shall also make duplicate reports of the manner in which they shall have performed the duties assigned them in this Act, which shall be signed by at least three of said Commissioners, one of which reports, accompanied with a duplicate plat of the county line, they shall make to the quarterly County Court of Jefferson county, and the other shall be made to the quarterly Court of Hamblen county, as soon as may be convenient and practicable for them to do so, after the same shall have been completed by them; and the same shall be made a matter of record in each of said quarterly County Courts in said counties; and the original reports and plats shall be filed away and preserved in the Clerks' offices of each of said counties for future use and inspecton by any person who may hereafter wish to inspect or use the same.

Reports and  
plats to be sent  
to each county.

SEC. 5. *Be it further enacted,* That all the territory north and east of said county line shall belong to Hamblen county; and all the territory lying south and west of said line shall belong to Jefferson county.

Compensation  
of Commissioners.

SEC. 6. *Be it further enacted,* That said Commissioners shall be entitled to receive a reasonable compensation for their services, which shall be paid to them by the counties of Jefferson and Hamblen equally, each county paying one-half of the expenses.

**Acts repealed.** SEC. 7. *Be it further enacted,* That all laws and parts of laws in conflict with this Act, and especially that the third section of an Act to change the county line between the counties of Roane and Loudon, passed by the General Assembly of the State of Tennessee March 24th, 1876, and approved March 24th, 1875, chapter 140, which section of said Act changed the original line in part between the counties of Jefferson and Hamblen, and which change has been made the cause of the difficulty which exists at this time, in relation to the said county line between said counties be and the same are hereby repealed ; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

HUGH. M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XLV.

AN ACT to amend the rules of Chancery practice, and diminish costs of litigations in all the Courts of Tennessee having equitable or Chancery jurisdiction; and in the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Section 4343 of the Code of Tennessee be amended so as to read : "The counterpart subpoena to any other county shall be accompanied by a copy of the bill, to be delivered to some one of the defendants when the subpoena is served, and it shall be the duty of the Sheriff to read said copy to each one of the defendants at the time he serves the subpoena.

COPY OF BILL  
MUST ACCOMPANY COUNTERPART  
SUBPOENA.

SEC. 2. *Be it further enacted*, That Section 4344 of the Code of Tennessee be amended so as to read: "The Clerk shall issue, upon demand, to any one of the defendants, agents or attorneys to whom no copy of the bill appears by the Sheriff's return to have been delivered, a certified copy of the bill, to be charged in the bill of costs.

SEC. 3. *Be it further enacted*, That Section 1 of Rule 13 of an Act entitled "An Act to revise the rules of Chancery practice," passed December 14th, 1871, be so ~~Papers may be enrolled at re-~~ amended as to read: "After any paper is filed in a cause, <sup>quest of either party.</sup> either party may have the same enrolled by paying to the Master the enrolling fee thereon, which may or may not, at the discretion of the Court trying the case, be taxed to the losing party and collected as other costs.

SEC. 4. *Be it further enacted*, That Section 3 of said Rule 13 be and is hereby repealed.

SEC. 5. *Be it further enacted*, That Section 3227 of the Code of Tennessee be amended so as to read: "Whenever, in the opinion of the Court finally determining an equity cause, it is necessary and proper that the proceedings should be enrolled, such Courts shall, upon application of either party, order the enrollment, and the Clerk shall make the same accordingly, and the party applying for the order shall be taxed with the costs thereof.

Party calling  
for enrollment  
to pay for same

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring the same.

Passed February 19, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XLVI.

**AN ACT** to repeal certain portions of an Act passed March 10, 1875,  
relating to the "Bean Station and Cumberland Gap Turnpike."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act passed March 10, 1875, entitled An Act to amend the various Acts in reference to the Bean Station and Cumberland Gap Turnpike road, and to consolidate the same into one Act, as relates to the erection of a toll gate between the town of Tazewell and Cumberland Gap, be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XLVII.

**AN ACT** to change the times of holding the Chancery Courts in the Sixth Division of Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Chancery Courts for the Sixth Chancery Division shall be held at the following times and places, to-wit: At Gallatin, for Sumner county, on the first Mondays in January and June; at Hartsville, for Trousdale county, on the fourth Mondays in January and June; at Clarksville on the first Mondays in February and July; at Arlington, for Houston county, on the

second Mondays in March and August; at Dover, for Stewart county, on the first Monday in March and fourth Monday in July; at Ashland, for Cheatham county, on the third Monday in March and third Monday in October; at Lebanon, for Wilson county, on the fourth Mondays in April and fourth Mondays in October; at Springfield, for Robertson county, on the third Mondays in May and third Mondays in November.

SEC. 2. *Be it further enacted*, That all process which is now or may be hereafter made returnable to any other times than those fixed by this Act, shall be transferred to the time fixed by this Act, and shall have as full force and effect as though no change of time had been made.

SEC. 3. *Be it further enacted*, That all other acts or parts of acts conflicting with this Act are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

HUGH M. MCADOO,

*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,

*Governor.*

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## CHAPTER XLVIII.

AN ACT to establish the lines between Washington and Unicoi counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lines between Washington and Unicoi counties be established as heretofore run by the Surveyor of Washington county, and reported by him to the County Court of Washington county.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XLIX.

**A**N ACT to amend an act entitled "An Act for the pauper deaf and dumb and blind children of the State," passed January 30, 1860, and to amend an act entitled "An Act to repeal section 1592 of the Code in reference to the admission of pupils into the Tennessee Deaf and Dumb School," passed March 12, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the word "pauper," whenever it occurs in the act passed January 30, 1860, entitled "An Act to amend an Act entitled an Act for the benefit of the pauper deaf and dumb school," be stricken out of the said Act.

SEC. 2. *Be it further enacted*, That the proviso in the second section of an act to repeal section 1592 of the Code in reference to the admission of pupils into the Tennessee Deaf and Dumb School, passed March 12, 1860, be and the same is hereby repealed.

SEC. 3. *Be it enacted*, That the provisions of this Act shall apply to pupils of the present session of said school, beginning October, 1876.

SEC. 4. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.  
Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER L.

**AN ACT** to amend an Act approved March 13, 1875, Chapter 36, to punish executors, administrators, guardians, and trustees, for converting trust funds to their own use and benefit, and failing to pay over trust funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the words "and maliciously," in line 3 of an act passed March 13, 1875, and after the word "willfully," and immediately preceding the word "convert," be stricken from the Act.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare demanding the same.

Passed March 20, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LI.

**AN ACT** to provide for an Arbitration Commission at Nashville, Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor shall appoint and commission three persons, learned in the law, to act as a special commission in hearing the causes pending on the docket of the Supreme Court at Nashville, and preparing their conclusions therein to be reported and submitted to the Supreme Court at the December Term thereof on the first Monday in December, 1877, said re-

Three Commissioners, whose judgments shall be final.

*Civil causes to be heard by agreement of parties.*

ports and conclusions to become the judgments and decrees of the Supreme Court. Said commission will only hear and report on such civil causes as the parties or their attorneys or solicitors may file written agreements to submit to said commission. Said commission shall meet at Nashville on the first Monday in May, 1877, and may sit until the first Monday in December, 1877, if the business before the commission should require. The members thereof shall be compensated out of the treasury of the State for the time actually engaged, at the rate of three thousand dollars per annum, and the amount thereof, together with the incidental expenses of the commission, to be ascertained and certified to by the Clerk of the Supreme Court at Nashville, shall be paid upon the warrant of the Comptroller.

*Compensation.*

SEC. 2. *Be it further enacted,* That the rules now governing the Supreme Court in the trying of causes shall govern said commission.

SEC. 3. *Be it further enacted,* That said commission shall have the power to appoint an officer of court, and have all the power of a regular court to enforce order and decorum.

SEC. 4. *Be it further enacted,* That no opinion of said commission shall be published in the Reports of the Decisions of the Supreme Court, nor shall the same have any further or other effect than to determine the particular cause wherein rendered, and shall have no force or effect or authority as precedent in other causes.

*Opinions not to be precedents.*

SEC. 5. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LII.

**AN ACT** to amend Section 1709 of the Code of Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 1709 of the Code of Tennessee be so amended as to read as follows: The members of these companies and the fire companies of any corporate town or city in this State, are exempt from military duty in time of peace, and from serving on juries.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,

*Governor.*

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## CHAPTER LIII.

**AN ACT** amendatory to an act to incorporate the Henderson Male and Female Institute, passed November 30, 1869, Chapter 12, Acts 1869-70.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed November 30, 1869, to incorporate the Henderson Male and Female Institute, be so amended in section 1, and 8th line, as to make it read, the Henderson Masonic Male and Female Institute.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 21, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER LIV.

AN ACT for the relief of Montpelier Academy, in Jackson county, and to empower the trustees of said institution to rebuild the same.

WHEREAS, The Montpelier Academy building, at Gainesboro, in the county of Jackson, has been destroyed by fire, and there are some of the assets and funds of said academy available to the trustees thereof; and

WHEREAS, There is a lot in the town of Gainesboro, donated to and belonging to said academy; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the present trustees of said academy, or any hereafter appointed according to law, be and they are hereby authorized to use a sufficiency of said fund to rebuild suitable academy buildings on said lot.

SEC. 2. *Be it further enacted*, That the aforesaid academy building and school fund shall be used for school purposes only, except by the consent of the trustees.

SEC. 2. *Be it further enacted*, That this act shall take

effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LV.

**AN ACT** to provide for the appointment of trustees for the Hospital for the Insane, and to amend section 1522 of the Code.

**SECTION 1.** *Be it Enacted by the General Assembly of the State of Tennessee,* That immediately after the passage of this act the Governor of the State shall nominate and appoint, by and with the advice and consent of the Senate, as now provided by law, nine trustees of the Hospital for the Insane, whose term of office shall begin immediately from and after the date of their appointment. Three of said trustees shall be nominated to serve until the first Monday in February, 1879; three until the first Monday in February, 1881, and three until the first Monday in February, 1883. On the first Monday in February, 1879, and every two years thereafter, three trustees shall be appointed to serve for six years from the date of their appointment. The duties of said trustees shall be the same as now prescribed by law, and they shall, at the expiration of the present term of office of the Superintendent of the Asylum, elect his successor.

**SEC. 2.** *Be it further enacted,* That this act take

effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LVI.

AN ACT to deprive the State of Tennessee of the power to borrow money, and to repeal section 21 of an act passed March 1, 1869, entitled "An Act to amend the revenue laws of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor, Comptroller, Secretary of State, and Treasurer, of the State of Tennessee, be and they are hereby prohibited from borrowing money upon the faith and credit of the State for any purpose whatever.

SEC. 2. *Be it further enacted,* That section 21 of an act passed March 1, 1869, entitled "An act to amend the revenue laws of the State," and all laws or parts of laws in conflict with the provisions of this act, be and they are hereby repealed.

SEC. 3. *Be it further enacted,* That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LVII.

**AN ACT to repeal chapter 114 of the Acts of 1875, so far as it affects the county of Wayne.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed March 23, 1875, and approved March 24, 1875, entitled "An Act to protect private fisheries," be and the same is hereby repealed, so far as it affects the counties of Wayne, Smith, Henderson and Jackson.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 22, 1877.

**JAS. D. PORTER,**  
*Governor.*

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## CHAPTER LVIII.

**AN ACT to change the county line between the counties of Benton and Decatur.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Bepton and Decatur be so changed as to include the lands and residence of Allen Steyers in the county of Decatur.

SEC. 2. *Be it further enacted, That this act take effect from and after its passage.*

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER LIX.

AN ACT to amend an act entitled "An Act to incorporate the town of Pulaski in the county of Giles," passed February 2, 1850.

SECTION 1. *Be it enacted by the General Assembly of Mayor and the State of Tennessee, That an act to amend an act to incorporate the town of Pulaski, in the county of Giles, passed February 2, 1850, be so amended as that hereafter the town constable and mayor of the town of Pulaski shall be elected by the voters of said town qualified to vote for aldermen, and at the same time and place, and under the same law as said aldermen are elected, under section 4 of the act which this act is intended to amend.*

Plurality.

SEC. 2. *Be it further enacted, That the person receiving the highest number of votes for mayor shall be declared by the sheriff of said county elected mayor of said town, and the person receiving the highest number of votes for town constable shall be declared by the sheriff duly elected, and the clerks shall make certificate of such fact to the recorder.*

Salaries.

SEC. 3. *Be it further enacted, That the compensation to the constable and mayor shall be fixed by the board of mayor and aldermen, and he shall serve for and during the term of one year, unless removed for cause.*

Policemen.

SEC. 4. *Be it further enacted, That nothing in this act shall be so construed as to prohibit the board of mayor and aldermen to appoint as many policemen as*

may be necessary, and the mayor shall, as heretofore, remain a member of the board of mayor and aldermen.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER LX.

**AN ACT** to amend an act entitled "An Act to change the line between the counties of Polk, McMinn, Hawkins, Hamblen, Cheatham and Dickson," passed March 21, 1873, and approved March 24, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 2 of an act passed March 23, 1875, entitled "An Act to change the line between the counties of Polk, McMinn, Hawkins, Hamblen, Cheatham and Dickson," be so amended as to read, that all of that part of Dickson county east of Harpeth river below Point Rock Bluff be attached to Cheatham county, and all that part of Cheatham county west of Harpeth river below Point Rock Bluff be attached to the county of Dickson, so as to make Harpeth river the line between said counties, below the point where the line crosses said river at the bluff aforesaid.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXI.

AN ACT to change the line between the counties of Montgomery and Cheatham.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Montgomery and Cheatham be so changed as to include in Cheatham county the property and residence of John M. Duke, now within the limits of Montgomery county, and nothing in this act shall release the party so stricken off from the payment of his *pro rata* of any debts contracted by said Montgomery county prior to the passage of this act; *Provided*, the party included in the change will, within two months after the passage of this act, have the survey made and plats filed, as required by existing laws, which shall only embrace the lands and property now owned by said Duke, upon which his homestead is situated, lying within the limits of said county of Montgomery.

SEC. 2. *Be it further enacted,* That this act take effect forty days after its passage.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXII.

AN ACT to change the county line between the counties of Lawrence and Wayne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the

counties of Lawrence and Wayne be so changed as to include the residence of N. F. Morrow, and all the farm upon which he now resides, in the county of Lawrence; *Provided*, that nothing in this act shall be so construed as to reduce Wayne county below its constitutional limit, nor bring the line thus designated nearer the court-house of Wayne county than eleven miles.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER LXIII.

**AN ACT** to amend an act passed June 11. 1870, entitled "An Act to regulate the elective franchise in accordance with article 4, section 1, of the Constitution of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 4 of an act passed June 11, 1870, entitled "An Act to regulate the elective franchise," etc., be so amended as to allow candidates for county and State offices, or for Congress, to vote in any ward or district in their county in which they may be on the day of election.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXIV.

**AN ACT** giving the Chancellors of this State concurrent jurisdiction with the Circuit Court Judges in granting writs of Certiorari and Supersedas removing causes from Justices courts to the Circuit Court.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act, the Chancellors of this State shall have concurrent jurisdiction with the Judges of the Circuit Courts of this State in granting writs of certiorari and supersedes removing causes from Justices Courts to the Circuit Courts.

**SEC. 2.** *Be it further enacted* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXV.

**AN ACT** to repeal an Act entitled "An Act to amend the Criminal Laws of the State," passed March 22, 1875, in regard to grand and petit larceny, and other crimes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an Act entitled "An Act to amend the Criminal Laws of the State," passed March 22, 1875, be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That sections 4677, 4680, 4683 and 4684 of the Code are hereby re-enacted.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after the 1st day of April, 1877: *Provided,*

that all persons committing the offenses enumerated in the Act, which is hereby repealed, prior to the time aforesaid, shall be tried and punished according to existing laws.

Passed March 21, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 22, 1877.

**JAS. D. PORTER,**  
*Governor.*

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## CHAPTER LXVI.

AN ACT to amend an Act entitled "An Act to charter the Eagleville, Unionville and Shelbyville Turnpike Company," passed February 7, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 5 of an Act passed February 7, 1850, entitled "An Act to charter the Eagleville, Unionville and Shelbyville Turnpike Company," be so amended as to authorize said Company to erect and establish their first tollgate not nearer than two miles from where the said Eagleville, Unionville and Shelbyville turnpike intersects the Nashville and Nolensville turnpike.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 22, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER LXVII.

**AN ACT** to repeal so much of the Act entitled "An Act more cheaply to collect the State, county, and municipal revenue," passed March 23, 1875, as relates to the collection of municipal revenue, and to provide for the collection of municipal revenue.

**Repealed.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the Act passed March 23, 1875, entitled "An Act more cheaply to collect the State, county, and municipal revenue," as requires the County Court Clerks and County Trustee to collect municipal revenue be and the same is hereby repealed.

**Re-enacted.**

**SEC. 2.** *Be it further enacted,* That all laws and parts of laws relating to the collection of municipal revenue in force prior to the passage of the said Act of the 23d March, 1875, be and the same are hereby re-enacted.

**Municipal  
books and pa-  
pers must be  
turned.**

**SEC. 3.** *Be it further enacted,* That all books, papers, estimates and assessments now in the possession of the Clerks of the County Court and County Trustees, placed there under the requirements of said Act of March 23, 1875, by the Mayor or officers of municipal corporations, together with all taxes and privileges collected by said Clerks and Trustees in pursuance of the requirements of said Act of March 23, 1875, be returned and paid over to the municipal authorities entitled to receive the same:

**Cities of 8,000  
and over.**

*Provided,* that in cities having a population of eight thousand inhabitants and over, by the Federal census of 1870, the Trustee shall collect all municipal taxes levied on property, privileges and polls, and shall pay over the revenue collected by him to the municipality on the first Monday of each week, making at the same time, under oath, a detailed and itemized report of such collections, which shall show the amount and kind of money paid by each taxpayer, and on what account, and the Recorder

**Licenses for  
privileges.**

of such municipalities shall issue the license on all privileges, upon receipt by him of the certificate of the County Trustee that the person applying for such license has paid his privilege tax; twenty-five cents shall be paid for every license so issued by him, to be paid by the party applying for the same, which amount shall go to the city or Recorder, as the city authorities may direct:

**Proviso.**

*Provided,* this Act shall not apply to any corporation that may be adjoining another corporation in same county of over eight thousand inhabitants: *and provided further,*

the Trustee for collecting the privilege taxes of said municipalities shall receive a commission of only one per centum. Trustees commissions.

SEC. 4. *Be it further enacted*, That all laws and parts of laws now in conflict with the provisions of this Act be and the same are hereby repealed. And that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH N. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXVIII.

**AN ACT** to amend an Act entitled "An Act to authorize the appointment of Inspectors of illuminating oils and fluids.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 1 of an Act passed March 10th, 1875, and approved March 24, 1875, entitled "An Act to authorize the appointment of inspectors of illuminating oils and fluids," be amended so as to read as follows: "That the Governor shall appoint for each city or county in this State containing a population of one thousand and over, an Inspector of coal, oil, carbon oil, petroleum, kerosene oil, gasoline, or any other product of petroleum used for illuminating or burning fluids, by whatever name known, which may be manufactured or offered for sale in the State. That said Inspector shall be a competent and qualified person, and shall at his own expense provide himself with the necessary instruments for the testing and gauging or weighing the quantity of any such illuminating oils or fluids, which said instruments shall be the standard instruments used for that purpose, and shall test all oils as follows: First, the

*Modus oper-  
andi.*

water cup shall have sufficient water in it to rise two-thirds up the side of the oil cup. Second, fill the oil cup with oil to be tested to within one-eighth of an inch of the top. Third, suspend the thermometer so the bulb is just under the surface of the oil. Fourth, use an alcohol lamp to heat the water bath, and before placing the light under the water cup, test the oil in the oil cup by bringing a lighted match in contact with the surface of the oil, if it does not ignite, place the lamp under the water cup, and slowly heat the oil, not slower than one degree of the thermometer in a minute, nor faster than two degrees of the thermometer in a minute, moving a lighted match across the surface of the oil at each degree the thermometer rises, not more than three-eighths of an inch from the surface of the oil. If the oil should flash, that is, a little gas burn on the surface, and go out again, the degree indicated by the thermometer is the *flash test* of the oil. The flame moved across the surface of the oil should not exceed that of an ordinary match.

SEC. 2. *Be it further enacted*, That section 2 of said Act be amended so as to read as follows: "That it shall be the duty of the Inspector promptly to inspect or test and gauge all illuminating oils or fluids which are subject to inspection, as provided in this Act, within the city or county for which he is appointed. The Inspector shall

*Each package  
to be tested.*

in all cases take the oil or fluid from the package which is intended to be branded, and in no case shall mark or brand any package before having first inspected or tested the contents thereof; and the quantity used for testing the flash test thereof shall not be less than half a pint, and shall be ascertained by applying thereto a well

*Tests.*

lighted match; and all such illuminating oils or fluids that will flash at a less temperature than one hundred and twenty degrees Fahrenheit, is to be branded "re-

*Brands.*

jected," and all that will stand the flash test of one hundred and twenty degrees Fahrenheit, he shall brand "approved standard oil." And while the Inspector is in the discharge of his duties, if any dealer in or manufacturers of oils or fluids specified in section 1 of this

*Penalty for  
obstructing in-  
spectors.*

Act, who shall refuse to admit an Inspector or his deputy upon his premises, so far as it may be necessary for the performance of his duties, or if he shall obstruct an Inspector or his deputy in the discharge of his duties, he

shall for each refusal to admit on his premises as obstruction offered to inspection, be fined for each offense not less than twenty dollars nor exceeding fifty dollars.

*SEC. 3. Be it further enacted,* That section 3 of said Act be so amended as to make the brand or device there provided for, which the Inspector is to place on each package by him inspected, to read as follows: designating first his name and place and date of inspection, thus, "—inspector of—, 18—;" second, the flash test thus, " flashed at —° temperature;" third, if the fluid inspected has no flash test, then the specific gravity of same thus, " specific gravity — °."

Devices and  
brands.

*SEC. 4. Be it further enacted,* That section 4 of said Act be so amended that if any person, manufacturer or dealer shall sell to any person whatever in the State any of the said illuminating oils or fluids before first having the same inspected, as provided in this Act, he shall be guilty of a misdemeanor, and on conviction be fined in any sum not exceeding three hundred dollars, and the oils and fluids, if found to be rejected, be forfeited and sold, and the proceeds go to the State.

Penalties for  
selling unin-  
spected oils.

*SEC. 5. Be it further enacted,* That section 8 of said Act be so amended as to read as follows: "That the term of office for said Inspector shall be for two years, and for his compensation he shall be entitled to demand and receive from the owner of the illuminating oils or fluids inspected or tested, and gauged or weighed, and marked and branded, as in this Act provided, twenty-five cents for each barrel and ten cents for each smaller package.

Term of office  
and compensa-  
tion.

*SEC. 6. Be it further enacted,* That all oils and fluids, the product of coal, petroleum, or other bituminous substance, which may be used for illuminating purposes, sent from other States to counties in this State without Inspectors of oils and fluids, or sent from counties in this State without the barrels and packages containing the same being branded by law by the Inspectors of the county or city from which they were sent, may be inspected in transitu, in the hands of the carrier, forwarding agent or warehouseman, and the Inspector may charge for a single barrel sent to one party forty cents; for more than one barrel up to five barrels, thirty cents a barrel; and from five barrels to any number, twenty-five cents.

Oils from other  
States.

*SEC. 7. Be it further enacted,* That when oils specified in section 6 of this Act are sent from other States for consumption in this State, for illuminating purposes, to counties in this State without an Inspector, and the oils are inspected in transitu, and condemned as of less flash test than 120 degrees Fahrenheit, the Inspector is

Oils con-  
demned.

authorized and directed to ship back said oils to the shippers of the oils. And when fluids specified in section 6 of this Act are sent into this State, to counties or cities in this State without an Inspector, and the fluids are inspected in transitu, and found to be without a flash test, or to burn without being heated, the Inspector shall brand the barrel or packages containing the fluid unsafe for illuminating purposes; and all packages or barrels containing the fluids which are plainly marked by the manufacturers or shippers, naptha, benzine, gasoline, and the specific gravity of the fluids may be permitted to go forward to its destination as not intended for burning purposes: but all barrels or packages of fluids without a flash test, and which are not branded or plainly marked as aforesaid by the manufacturers or shippers, shall be considered as intended for burning purposes, and shall be shipped back in like manner as condemned oil, and the Inspector shall notify the shipper of the cause and his action in the premises, and may collect his fees for oils and fluids inspected in the hands of the carrier, forwarding agent or warehouseman from the carrier, forwarding agent or warehouseman, as charged on the oils and fluids, and the carrier, forwarding agent or warehouseman may collect their fees as charges on the oils and fluids, and hold the oils and fluids until paid.

*SEC. 8. Be it further enacted,* That any Inspector of this State, or his assistant, may go to any county in this State without an Inspector, when he has information that oils and fluids aforesaid of less flash test than 120 degrees Fahrenheit are being sold for illuminating purposes, without the barrels and packages containing the same being branded as provided by law, and inspect and brand all the oils and fluids not branded by an Inspector of this State, and may charge thirty cents a barrel for all barrels of oils and fluids aforesaid inspected by him, and the fees to be paid by the owner or the person for the time being in the possession of the oils, on the demand of the Inspector.

*SEC. 9. Be it further enacted,* That if any carrier, forwarding agent or warehouseman shall refuse to pay the fees of an Inspector, as provided in this Act, on conviction before a competent tribunal, of the refusal to pay the fees, shall be fined five dollars for each refusal, the fine to go to the school fund of the State.

*SEC. 10. Be it further enacted,* That the Inspector of oils and fluids shall be *ex officio* gauger of liquors, oils, molasses and syrups, and other liquids, and in the per-

*Fluids condemned.*

*Fees on fluids condemned.*

*Inspectors to go to counties having no Inspectors.*

*Fine for refusal to pay fees.*

*Gauging syrups and liquors.*

formance of his duties, shall use the standard instrument in use for that purpose, and he shall brand or mark all barrels or casks gauged by him with his name, official character, and the capacity of the package, and shall have the following fees, to be paid by the party for whom his services shall be rendered: for gauging (including proving when necessary) whisky, oils, molasses or syrups, <sup>Fees.</sup> or barrel or cask,  $7\frac{1}{2}$  cents, and for a single barrel of each, 15 cents; for gauging varnishes and turpentine, 15 cents a barrel, pipe or half pipe; for ullaging separate from gauging, 5 cents a barrel; for proving without gauging, 5 cents a barrel; for gauging any liquid not named, same as whisky; for removing the bungs from barrels of oils, the product of coal, petroleum or other bituminous substances, and replacing with new bungs, 5 cents for each barrel or cask, provided the owner may remove and replace the bungs without any charge by the Inspector.

SEC. 11. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXIX.

AN ACT to provide a special Commission of Arbitration for hearing and trial of causes pending in the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor of the State shall appoint three persons of established character of learning and personal integrity, who shall compose <sup>Three Commissioners appointed by the Governor.</sup> a special "Commission of Arbitration," having jurisdiction

tion and power to hear and determine such civil causes now or hereafter pending in the Supreme Court of Tennessee at Jackson, as may be submitted to the said Commission by the said Supreme Court, with the consent of the parties on both sides, which Commission shall report its decisions or awards to the Supreme Court when in

**Judgment and decree subject to approval by the Supreme Court** session, which decisions or awards shall become and have the force and effect of judgments or decrees of the Supreme Court, subject, however, to the approval or disapproval of said court; *Provided, however,* the said Commission shall not hear and determine any case without

**Parties to consent.**

the consent of the parties thereto, or their solicitors or attorneys of records, which consent may be presumed unless objection thereto be filed in writing in said Supreme Court, and within ten days after the cause be ordered by the Supreme Court to be transferred to the Commission for hearing or trial and decision; *Provided* no additional expense shall be incurred by the State by reason of the Commission sitting in the city of Memphis.

SEC. 2. That said Commissioners shall, before entering on the discharge of their duties, take an oath of office similar to that prescribed by law to be taken by judges of the Supreme Court, and may select and appoint one of their number to preside and act as Chief Commissioner, and may sit for trial and hearing of causes at Jackson and Memphis, as the convenience of suitors and parties may make proper.

**Clerk.**

SEC. 3. That the Clerk of the Supreme Court at Jackson, in person or by deputy, shall attend upon said Commission wherever it may sit, and in all things perform the duties of Clerk of the Commission; and the Sheriff of the county wherein the Commission may sit, shall attend upon the Commission in session, and shall perform the duties prescribed by law to be performed by Sheriffs in attendance upon courts of the State, and shall receive the same compensation therefor.

**Order of business.**

SEC. 4. That the Supreme Court in session at Jackson shall have power to arrange the order of business and hearing or trial of causes, in such manner as will promote the objects and purposes of the said Commission.

**Powers.**

SEC. 5. That the said Commission shall have the powers of the courts of Tennessee to enforce the preservation of order and to punish contempt.

**Disqualified member replaced.**

SEC. 6. That in case of the disqualification of one or more of the Commissioners to act in any case submitted under this Act, the place or places of such disqualified may be supplied by the election of members of the bar

in attendance, in the manner as prescribed by law in respect of such elections in the Circuit or Chancery Courts, and the person so elected shall take the oath as prescribed in case of the Commissioners appointed by the Governor.

SEC. 7. That vacancies occurring in the said Commission during its continuance may be filled by the Governor for the unexpired time; and the opinions and decisions of the Commission shall not be reported in the Reports of the State, and shall have no force or effect as precedents; and the compensation of the Commissioners shall be at the rate of three thousand dollars per annum, and shall be paid as the Judges of the Supreme Court are paid, but only for the time actually in session, and the incidental expenses of the Commission shall be paid as salaries and expenses. Vacancies. Decisions net precedents.

the incidental expenses of the Supreme Court are paid, upon the warrant of the Comptroller of the State; and the term of office of the Commissioners shall not continue longer than two years from their appointment, and shall terminate sooner if the business submitted to them can be sooner discharged.

SEC. 8. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 23, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXX.

**AN ACT** to amend the Act of 1867, Chapter 79, section 5 and clause 9, also Chapter 74, section 4, passed July 6, 1870.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That the Act of 1867, Chapter 79, section 5, and the Act of 1870, Chapter 74, section 4, be*

and the same is so amended as to classify steam ferries and fix the rate of State tax thereon.

**Classification  
of Ferries.**

SEC. 2. *Be it further enacted*, That steam ferries be divided into four classes, to-wit: When the landings in the State of Tennessee are at or near towns or cities, or towns of ten thousand or more, shall compose the first class; towns or cities of five thousand up to ten thousand shall compose the second class; cities or towns of one thousand or more the third class; and all ferries whose landings at towns or other points where the landings are of less than one thousand, shall be and compose the fourth class.

**Privilege tax.**

SEC. 3. *Be it further enacted*, That the State privilege tax upon the steam ferries as classified in the second section of this Act, shall be fixed as follows, to-wit: Ferries of the first class one hundred and fifty dollars, and ferries of the second class one hundred dollars; ferries of the third class fifty dollars, and ferries of the fourth class twenty-five dollars.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXI.

AN ACT to enable Municipal Corporations having more than Thirty-five Thousand Inhabitants, to settle their indebtedness.

**Acts repealed.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 34 of an Act passed March 20th, 1875, which reads, "That the legislative powers of such cities shall be vested in a Mayor, a Board of Aldermen, and a Board of Common Councilmen, who together shall be styled the General Council of such cities,

and shall be elected as shall be hereinafter provided,"  
be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the power to levy taxes of every description, and for any and every purpose whatever, is hereby taken away from said Municipal Corporations and each and every officer and representative thereof, and said taxing power lodged in the Legislature of the State, and not elsewhere; and that by virtue of Article 11, section 9 of the Constitution of the State, in addition to the powers already conferred, the Chancery Court, for the purpose of settling the indebtedness of Memphis and other municipal corporations containing more than thirty-five thousand inhabitants, may appoint a Receiver, and exercise such other powers as are herein-after set forth.

SEC. 3. *Be it further enacted,* That upon the application of any person or persons, who are the holders and owners of any past due and unpaid bonds, coupons, or other indebtedness of said Municipal Corporations, not less in amount than one hundred thousand dollars, it shall be the duty of the Chancery Court to appoint a Receiver for said Municipal Corporations, who, as the officer of the Court and not otherwise, shall, under the order and instruction of the Court, act for such Municipal Corporations.

SEC. 4. *Be it further enacted,* That said Receiver, together with two other citizens and property holders of said Corporation, to be appointed by the Court, shall constitute a Commission to settle and compromise the indebtedness of said Municipal Corporation by funding the same, at a rate not exceeding fifty-five cents in the dollar on judgments, and not exceeding fifty cents in the dollar for bonds or coupons past due, and at a less rate for the less valuable class of said indebtedness; and upon their action being confirmed by the Court, the Court shall direct the Receiver to execute the necessary and proper compromise bonds and contracts; which bonds when so executed, shall to all intents and purposes be the valid and binding obligations of said Corporation; but it is understood and agreed that the holders of any of the bonds issued by the Receiver as provided in this Act, shall have the option, after two years, to fund or exchange them at par, into bonds payable thirty years after the date of their issue, and bearing interest at the rate of six per cent. per annum; said bonds shall be of the denomination of one thousand dollars each, and numbered consecutively from one to twenty-five hundred;

Taxing power  
lodged in the  
Legislature.

Chancery Court  
to appoint  
Receiver.

Commission to  
settle at fifty  
cents or less.

Bonds.

the total amount of bonds issued under this Act, shall not exceed two and one-half millions of dollars.

SEC. 5. *Be it further enacted*, That in order to enable said Commission to make a settlement of said Municipal indebtedness, as contemplated, it is hereby enacted :

1. That all bonds and matured coupons and judgments, and all paving scrip certificates issued by said Corporation, and all receipts for money paid by tax payers to paving contractors for making Nicholson and stone pavements, etc., by virtue of any contracts with said Corporation, may be funded at such a rate not exceeding the maximum above mentioned, and into such bonds, bearing not exceeding six per cent. per annum interest, as may be agreed on between the parties, the holder and said Commission.

Coupons, scrip, etc. funded. 2. That all matured bonds and coupons, issued by virtue of any agreement made in pursuance of this Act, shall be receivable for taxes, city dues, and indebtedness of every kind.

3. That said Municipal Corporations are hereby prohibited from issuing scrip at any time, or bonds, while any bonds issued under this Act are outstanding, except such as may be issued in exchange, as hereinbefore provided in section 4 of this Act.

Receivable for taxes. 4. That, hereafter, for said Municipal Corporations, there shall not be levied a higher rate of taxation for general purposes, as defined in the charter, than one per cent. for the next five years, and at no time thereafter for said purposes, a tax exceeding one dollar and twenty-five cents on the hundred dollars.

Limit of tax levy. 5. That an ample interest and sinking fund tax shall be levied annually, and collected, to meet the maturing interest and retire and pay the bonds issued under this Act, and that this tax shall be faithfully applied to the object proposed. The sinking fund tax shall be paid into the hands of three sinking fund Commissioners, and the interest tax shall be paid into the hands of three interest Commissioners; each and all of said sinking fund and interest Commissioners shall be appointed by the Court, and shall be citizens of established integrity and responsibility, who shall give bond in sufficient amounts to cover the funds coming into their hands, and take an oath to faithfully execute their trusts; said bonds to be fixed by the Court.

Interest and sinking fund tax. 6. That the provisions of this Act may be made a part of the contract with the holders of any bond or coupon issued by reason of any agreement made under this Act.

7. That so much of sections 38, 63, 64, and 66 of an Act passed March 20th, 1875, and all other Acts as are ~~Act repealed.~~ in conflict with the provisions of this Act, are hereby expressly repealed.

SEC. 6. *Be it further enacted,* That the Court shall appoint the interest and sinking fund Commissioners, and supply all official vacancies as they may occur, in the different Municipal Departments, which as to the ordinances affecting the same and in every other respect remain unaffected, except in so far as they may conflict with the enforcement of the provisions of this Act, in which event the Court will so order as to carry out the true intent and purposes of this Act: *Provided, however,* that all the offices not abolished by this Act be filled by a popular vote, for the term of two years, at the time designated in the charter for the next regular municipal election.

SEC. 7. *Be it further enacted,* That to carry into effect the true interests and provisions of this Act, the Legislature of the State hereby levies an annual tax of one dollar and ~~Tax levied.~~ sixty cents on each one hundred dollars worth of taxable property and values within said Municipal Corporation, (including the school tax, which shall not exceed ten cents) to be applied under the order and directions of the Court in the payment of current expenses, interest on compromise bonds, and the extinguishment of the indebtedness of said Municipal Corporations.

SEC. 8. *Be it further enacted,* That this Act shall take effect, and not before, when the sum of the tax mandamus outstanding against any one of said Municipal Corporations, shall amount in the aggregate to the sum of (\$850,000) eight hundred and fifty thousand dollars.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 23, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXII.

## AN ACT to amend the Law in relation to the Consolidation of Railways.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,* That the Act of the General Assembly of this State as to consolidation of Railroads, approved the first day of December, 1871, and the Act of the General Assembly of this State, approved March 12, 1875, entitled "An Act relating to Consolidation of Railroad Companies," supplementary to the Act approved the 12th day of December, A. D. 1871, (page 59 Acts 1871,) entitled "An Act granting certain powers to existing Railroad Companies," shall extend and apply to all Railroad corporations now existing or hereafter to be created in this State, whether under a general or special law or laws, or by virtue of Statutes of any other State, ratified and confirmed by the authority of the State of Tennessee: *Provided*, That no Railroad corporation indebted to the State of Tennessee shall be entitled to the benefit of said Acts or of this Act, until such corporation shall have fully paid off and discharged all such indebtedness actually due at the date of such consolidation.

*SEC. 2. Be it further enacted,* That any Railroad corporation existing, or which may hereafter exist in this State, whether created under a general or special law, or existing by virtue of charter or law of this State or of any other State, ratified by this State, and authorized to maintain and operate a Railroad within this State, shall have the right and power to consolidate itself with any other Railroad Corporation whose road shall connect with or intersect the road of such Railroad Corporation, or any branch thereof; upon such terms and conditions, and under such corporate name as shall be agreed upon in writing between such corporations respectively. *Provided*, That nothing herein contained shall affect or impair in any way any mortgage, right, lien or claim of the State of Tennessee, or the rights of any creditor of such corporations, and that no such consolidation shall be consummated or be completed until it and the terms thereof shall have been approved by a majority of stockholders of such consolidating companies, respectively; and provided further, that the agreement of such consolidation,

*Rights of State  
and creditors  
protected.*

together with the evidence of the approval thereof, by such stockholders, shall be filed in the office of the Secretary of State, and by him recorded; *and provided further*, that such agreement of consolidation shall not be of any force or effect until said Railroad Company or Companies shall have paid off and discharged all indebtedness, if any, actually due by them or either of them to the State of Tennessee at the date of such consolidation.

Agreement of  
consolidation  
filed.

**SEC. 3. Be it further enacted,** That the said corporation so formed by the consolidation of two or more Railroad corporations, as aforesaid, shall have, possess and exercise, all the rights, powers, privileges, immunities, and franchises, and be subject to all the duties and obligations, (not inconsistent with the provisions of this Act) conferred and imposed by the laws of this State upon such companies so consolidating, or either of them. And said consolidated company shall have power to fix the number of its Directors and the time of their election; the number, names and duties of its officers; to pass by-laws for the government of the Company, and the management of its affairs; to fix the amount of its capital stock, which shall be divided into shares of \$100 each, and issue bonds and dispose of same in such form and denomination, and bearing such interest as the Board of Directors may determine, and to secure the payment thereof by mortgage of every and all the property and franchises of said consolidated company and of the companies from which it was formed; and to do all other acts and things which the said companies, so consolidating, or either of them, might have done previous to such consolidation; *Provided*, That nothing in this Act shall be understood or construed to give or to transfer to, or confer upon, any such consolidated company, or company or person operating such consolidation of Railroads, as provided for in this Act, or in any other law of this State, any franchise, right, power, immunity or exemption not now granted by the laws of this State to the Railway Companies which may form part of such consolidated company. *Provided further*, That no exemption from taxation under the revenue laws of this State, of Railroad property and franchises, and capital stock thereon, contained in railway charters or other railway laws of this State, shall be, by this Act, or any other law of this State providing for such consolidation, transferred to, or conferred upon such consolidated company, or the property and franchises and capital stock therein, of such consolidation of Railroads, or of the property appertaining thereto and used in the operation thereof;

Rights, powers  
etc.

Directors, offi-  
cers, etc.

Capital stock,  
bonds, etc.

Exemption  
from taxation  
not transferred

*Judgments, etc.  
for work and  
material pro-  
tected.*

and that the State shall have the power, by appropriate legislation, to prevent unjust discriminations against, and extortions for, freights and passage over all Railroads in this State; *and provided further*, that no Railroad Company shall have power under this Act or any of the laws of this State, to give or create any mortgage or other kind of lien on its railway property in this State, which shall be valid and binding against judgments and decrees and executions therefrom, for timbers furnished and work and labor done on, or for damages done to persons and property in the operation of its Railroad in this State.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXIII.

AN ACT to amend all laws for the assessment of property.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Quarterly County Court of each county in this State shall, at the April term of 1877, and at said term every year thereafter, elect an intelligent and prudent person for each civil district of said county, and in any city or town where there are wards, one for each ward, being a freeholder and citizen thereof, whose duty it shall be to assess, list and return, as herein provided, for taxation, all the real and personal property and polls in his said district not exempt from taxation; and said assessor, before entering upon the duties of his office, shall take and subscribe before the clerk of said court, and file with him, an oath, honestly, faith-

*Assessors ap-  
pointed at the  
April term of  
court.*

fully, impartially and fearlessly to assess, value, list and return all real and personal property and polls in his district not exempt by law from taxation; and he shall visit in person each and every tract or parcel of land assessed and valued by him.

SEC. 2. *Be it further enacted,* That said assessors shall assess real estate in the manner following: They shall prepare a complete list of all taxable real estate in their respective districts or wards, giving the name of each owner in alphabetical order, and setting out the number of acres of each tract, and the assessed value thereof, giving, if the same can be done, the surveyor's district, range, township and section, civil district, and if this cannot be done, then such mode of description shall be adopted as will identify the property and its location by giving the lands by which the tract is bounded; and if the said real estate be in a town, the present number of the lot and the number of front feet and the depth thereof, and the assessed value of each tract and lot; and shall also assess and list the personal property and polls liable by law to be taxed.

Manner of assessing.

Description of property.

SEC. 3. *Be it further enacted,* That in making the assessment, all property shall be assessed at its cash market value, and upon the principles laid down in sections 565 and 566 of the Code, and to the person who is the owner or the reputed owner, on the first day of April of the year of the assessment; and said taxes shall be due and payable on the first Monday of October of the year for which the taxes were assessed.

Valuation.

Taxes due.

SEC. 4. *Be it further enacted,* That the assessors shall complete their assessments on or before the first Monday in June of each year, and on that day shall meet at the court-house of their respective counties, and shall organize as a Board of Equalization, and when organized, shall make such examinations, comparisons, corrections and alterations as may be necessary to produce a fair and just equalization of the assessments in the several districts and wards in said county.

Time, Board of Equalizat'n

SEC. 5. *Be it further enacted,* That if any person shall conceive himself aggrieved by any assessment, he shall present the matter to said board by petition or otherwise; and if it shall appear to a majority of said board that the assessment complained of is erroneous, improper, or unequal, when taken in connection with other assessments in the same district, the proper correction shall be made; and having completed said equalization, the assessors shall sign and return their respective lists to

Corrections in assessments.

Lists returned the Clerk of the County Court, on or before the 15th June 15th. day of June of each year; *Provided*, the Quarterly Court shall have authority to hear and determine applications in regard to alleged erroneous assessments after the assessors shall have made their returns to said clerk.

SEC. 6. *Be it further enacted*, That the assessment thus made shall be the only assessment of property and polls for any purpose of taxation in any county or part thereof, whether for State, county, schools, railroad, or municipal purposes; and no assessment blanks other than common blank books shall be used in making the assessment.

SEC. 7. *Be it further enacted*, That the Clerk of the County Court shall, from the list returned by the assessors, annually prepare a collection book, as provided in sections 588 and 589 of the Code, showing the amount of tax due from each taxpayer to the State, county, schools, railroads and municipalities, in separate columns, which shall exhibit the amount due from each taxpayer for each particular purpose, and also the aggregate amount due; and all certified statements of taxes due from delinquent taxpayers made and delivered by any County Trustee to any Constable or Sheriff of his county for collection, shall in like manner set out separately each item of taxation for the information of the taxpayers, and all amounts levied respectively for the purpose of paying the interest or the principal of any State, county, municipal or railroad bonds, shall be placed in a separate column, and shall deliver said book to the Trustee by the first day of October of each year. And the <sup>Aggregate for</sup> <sub>Clerk</sub> shall also make out and certify to the Comptroller an aggregate statement of the assessed valuation of the real and personal property of each district separately, and of the whole, together with the taxes due the State, and the poll tax due, and he shall forward the same by mail to the Comptroller on or before the 15th day of November of each year; and said clerk shall likewise certify to the Judge or Chairman of the County Court the amount of taxes due the county, and also to any mayor of the municipality the amount due the municipality, and to each the amount of taxes separately.

SEC. 8. *Be it further enacted*, That at the April term, annually, of the County Court, the rate of taxation for county, school and railroad and other purposes, shall be fixed by the court and entered upon the minutes thereof, as now declared by law; and the cities and incorporated towns shall certify the rate of taxation levied by them

Rate of tax-

to the Clerk of the County Court by the 15th day of July of each year.

SEC. 9. *Be it further enacted*, That each assessor shall receive for his services ten cents for each person having taxable property listed, and five cents for each person assessed for a poll tax only, and the same shall be paid by the county; and the Clerk of the County Court shall receive of the county, besides the cost of the book, any sum allowed by the Quarterly Court of his county, not exceeding three cents per one hundred words, and in no event to exceed eight hundred dollars. Compensation.

SEC. 10. *Be it further enacted* That should any assessor fail or refuse to act, or his office become vacant, the Quarterly Court if in session, or the Judge or Chairman in vacation, shall fill said vacancy by the election or appointment of another person; and any assessor or Clerk of the County Court who shall fail or refuse to perform the duties herein required of him within the time and in the manner specified, shall forfeit all claim for allowance as heretofore provided, and may be indicted or presented for any corruption in office, and fined or imprisoned, or both, in the discretion of the court. Vacancies.  
Penalties.

SEC. 11. *Be it further enacted*, That the act passed March 20, 1875, entitled "An Act to amend all laws for the assessment and collection of revenue," is hereby repealed, and all laws and parts of laws in conflict with this act be and the same are hereby repealed. Act repealed.

SEC. 12. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 9, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Passed by the House of Representatives, the Governor's veto notwithstanding.

ETH. B. WADE,  
*Principal Clerk House of Representatives.*

Passed by the Senate, the Governor's veto notwithstanding.

JOHN E. HELMS,  
*Clerk of the Senate.*

## CHAPTER LXXIV.

AN ACT to prevent unjust discriminations against way freights by railway companies.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That no railroad company in this State shall hereafter unjustly charge more for the transportation of way freights over shorter distances of its road than it charges for the transportation of way freights of the same class, quality and quantity, shipped in the same manner, over greater distances of the same road; but this is not to interfere with through freights from one extreme terminus to the other of the same road as originally constructed; *and provided*, that railway companies may make standing contracts with coal-mining and manufacturing companies, or persons, for special rates of freight not to be controlled by this act.

**SEC. 2.** *Be it further enacted,* That no railway company shall charge more than the maximum amount for freights allowed by its charter, nor shall any railway company unjustly discriminate against the way freights of any person or locality on the same road, or unjustly classify freights, or unjustly discriminate against the different classes of freights, shipped over its road, nor shall any railway company unjustly charge extortionate rates for the transportation of way freights over its road.

**SEC. 3.** *Be it further enacted,* That every railway company shall keep a plain, intelligible schedule of freight rates, and freight classifications, from all points on its road, printed and posted up in a conspicuous place, accessible to the public, at every depot on its road.

**SEC. 4.** *Be it further enacted,* That any railroad company that shall be guilty of a violation of the provisions of this act, shall be liable to the injured party in the sum of five hundred dollars, which may be sued for and recovered in any of the courts of this State having jurisdiction of the subject matter.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXV.

**AN ACT to amend the Code, article 11, chapter 16, title of Enrollment.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Code, article 11, chapter 16, title of "Enrollment," shall be so amended that no cause in any court of record in this State shall be enrolled by the clerk of the court unless upon application of some party to the suit, and the enrolling fee paid by the party making the application; *Provided*, however, that either party may have enrolled any paper in the record of a cause either before or after the trial, he paying the cost thereof, and a copy of such enrolled paper shall be in all respects treated as the original in case the original is lost or mislaid.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXVI.

**AN ACT to provide for the organization of corporations.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That whenever the property and franchises of any turnpike may have heretofore been

sold, or may hereafter be sold under any judgment, decree or process, from any Court of records, for the payment of debts due from such incorporated company, the turnpikes may purchasers at such sale, or their assignees, may be organized into a corporate body with the right to have, hold and operate the property and franchises so purchased, with all the powers, rights, privileges and immunities, and subject to all the restrictions and duties conferred and imposed by the original charter, and amendments thereto, of the corporation whose property and franchise may have been sold, and for the period limited thereby.

**SEC. 2. Be it further enacted,** That where the charter and its amendments are contained in the printed Acts of the General Assembly of this State, it shall be sufficient for such purchasers, or their assignees, to make out a memorandum of said Acts, showing their titles, with the books, pages and sections in which they are contained, and to attach thereto an application in this form :

**Form of application.** We, the undersigned, purchasers, or assignees of the purchasers of the property and franchises of the corporation known as the (here insert the name), apply to the State of Tennessee for a charter of incorporation, conferring upon us, and our successors, the powers, rights, privileges and immunities, subject to the limitations and restrictions contained in the Acts of the General Assembly of the State of Tennessee, a memorandum whereof is given above. We ask that our corporate name be (here insert it); and the main office of our company will be located at (here insert it).

Witness our hands this — day of —.

**Acknowledgments registered and recorded.** The signatures of said purchasers or their assignees shall be acknowledged proven before the Clerk of the County Court of any county in which any part of said property may be situated; and the memorandum aforesaid, with the application and probate or acknowledgement, shall be registered in the Register's office of the county in which the main office of such new corporations may be fixed, and when so registered, the same shall be filed and recorded in the office of the Secretary of State, and a copy thereof duly certified under the great seal of this State, shall be competent and primary evidence in all the Courts of this State, without being specially pleaded or copied into the record in any appellate proceeding.

**SEC. 3. Be it further enacted,** That the formation of

said association as a body politic and corporate with the powers, rights, privileges and immunities aforesaid, is hereby declared to be complete at and from the time said papers are filed in the office of the Secretary of State, and the validity thereof shall not in any legal proceedings be collaterally impeached.

**SEC. 4. Be it further enacted,** That said purchasers, or their assignees, at any time after said papers are filed in the office of the Secretary of State, may issue shares of New stock. stock of the same size and to the same amount as those permitted to the old corporations, and to distribute such shares among said purchasers or their assignees, in the proportion in which they are interested in the property purchased, and the holders of such new shares may elect Officers. the same kind of corporate officers, and exercise such other powers as were conferred upon the stockholders in the old corporation.

**SEC. 5. Be it further enacted,** That the stockholders of any corporation organized under this Act may reduce the number of directors and of the corporate officers to such number as they may think the corporate interests require.

**SEC. 6. Be it further enacted,** That nothing in this Act contained shall be construed as granting or permitting banking powers to any corporations organized under its provisions.

**SEC. 7. Be it further enacted,** That in case of a sale hereafter to be made, the company shall have the right to redeem, for two years, the rights of creditor to advance bids, and of judgment creditors to redeem from purchasers, being the same as are applicable to parties in the sale and redemption of real estate.

**SEC. 8. Be it further enacted,** That the purchaser or his assignee may have the option to organize under the old charter and amendments, or under the provisions of the Act passed March 19th, 1875, entitled "An Act to provide for the organization of corporations," said purchaser or assignee uniting with himself five or more other persons: *Provided*, that the new corporation shall take said corporate property free from exemption to taxation by charter or otherwise: *Provided further*, that the Legislature of the State shall at all times have the right and power to pass such laws in relation to such companies and turnpikes, roads, franchises, rights, powers, as the end of justice to the public or to individuals may require.

Right of redemption for 2 years.

Reserved rights.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## CHAPTER LXXVII.

AN ACT to amend an Act passed February 2d, 1870, now 647<sup>b</sup> of the Code, and also an Act amendatory thereto, passed March 22d, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That chapter 56, section 2, of an Act passed February 2, 1870, amended by chapter 69 of the Acts of 1875 be and the same is hereby further amended as to designate the Third National Bank of Nashville, the Mechanics' National Bank of Nashville, the First National Bank of Nashville, the Fourth National Bank of Nashville; the Union and Planters' Bank of Memphis and the First National Bank of Memphis, the State National Bank of Memphis, the German National Bank of Memphis; the Springfield National Bank; National Bank of Bristol, Lookout Bank, Morristown, Lincoln Savings Bank, Fayetteville; Bank of Clarksville, Northern Bank of Tennessee, First National Bank of Clarksville, Franklin Bank of Clarksville; McMinnville National Bank; Giles' National Bank, National Bank of Pulaski, First National and Stones' River National Bank, Murfreesboro; Shelbyville Savings Bank, National Bank, Shelbyville; First National Bank, Columbia, and Bank of Columbia; Deposit Bank, Gallatin, and Bank of Gallatin; National Bank and Second National Bank, Lebanon; and First National Bank, Fayetteville, as depositories of the State.

SEC. 2. *Be it further enacted*, That any bank in the State bringing itself within the provisions of the law; by

giving the proper bond and duly approved security, shall be made a bank of deposit under the provisions of the Act which this is intended to amend.

SEC. 3. *Be it further enacted*, That said bank, when so designated as depositories of the State, shall be entitled to all the privileges and immunities conferred on other banks by the Act which this Act is intended to amend, upon complying with the requirements of said Act.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 24, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

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## CHAPTER LXXVIII.

AN Act to repeal the fifty per cent. privilege tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed on July 6th, 1870, chapter 14, section 4, of said Act, which increased the tax on all privileges fifty per cent., be and is hereby repealed, so as to apply only to section 553 (a) of Thompson & Steger's Code, sub-section 29, 38, and puts sub-section 52 on same footing as sub-section 51.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March ,23 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## CHAPTER LXXIX.

**AN ACT** to amend an Act entitled "An Act to amend the law in regard to the property of married women," passed March 22, 1877.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter no husband shall be liable for the debts, contracts or obligations of his wife incurred by her, previous to marriage: *Provided, however,* that the marital rights of the husband shall not so attach to the property of the wife, owned by her at the time of marriage, or which she may become the owner of subsequent to her marriage, as heir or distributor, as to prevent said creditors of the wife from subjecting her property to the satisfaction of their debts.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate*

This bill having been presented to the Governor for his signature on the 20th day of March, and the Governor having failed to return it within the time prescribed by law, the same is hereby declared to have become a law.

This, the 27th day of March, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO.  
*Speaker of the Senate.*

## CHAPTER LXXX.

AN ACT to repeal section 1 of an Act entitled "An Act to provide revenue for the State, passed December 12, 1871, and approved December 14, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the first section of an Act entitled an Act to provide revenue for the State, passed December 12, 1871, and approved December 14, 1871, imposing a tax of forty cents upon every one hundred dollars' worth of property for State purposes, be and the same is hereby repealed, and all laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 21, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Passed by the House of Representatives notwithstanding the Governor's veto.

March 27, 1877.

ETH. B. WADE,  
*Principal Clerk House of Representatives.*

Passed by the Senate, notwithstanding the Governor's veto.

JOHN E. HELMS,  
*Clerk of the Senate.*

## CHAPTER LXXXI.

**AN ACT** to provide revenue for the State of Tennessee and the counties thereof.

Ten cents for  
State tax.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the State tax on every one hundred dollars worth of taxable property shall be 10 cents for the year 1877, and 10 cents for the year 1878, for current expenses only; *Provided*, that this act shall in nowise interfere with the levying and collection of taxes for school purposes as now provided by law.

**SEC. 2.** *Be it further enacted,* That the several county courts of this State are authorized and empowered to levy an annual county tax, not to exceed forty cents on every one hundred dollars worth of taxable property, for general county purposes.

**Acts repealed.** *Be it further enacted,* That section 488 of the Code, and all other laws and parts of laws in conflict with this act, be and the same are hereby repealed.

**SEC. 4.** *Be it further enacted,* That all laws of the State in reference to taxes, except as altered or repealed by the provisions of this act, shall remain in full force and effect.

**SEC. 5.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Passed by the House of Representatives, the Governor's veto notwithstanding, March 27, 1877.

ETH. B. WADE,  
*Principal Clerk of the House of Representatives.*

Passed by the Senate, the Governor's veto notwithstanding, March 27, 1877.

JOHN E. HELMS,  
*Clerk of the Senate.*

## CHAPTER LXXXII.

**AN ACT** to repeal sections 1, 2 and 3 of an act entitled "An Act to prevent the killing of deer in Lewis, Lawrence, Wayne and Franklin," passed March 20, 1873, and approved March 22, 1873.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of sections 1, 2 and 3 of an act entitled "An Act to prevent the killing of deer in Lewis, Lawrence, Wayne and Franklin counties," passed March 20, 1873, and approved March 22, 1873, as applies to the counties of Lawrence and Wayne, be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 27, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXXIII.

**AN ACT** to provide for transcribing record books when the same have been damaged or mutilated by fire or otherwise.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That when any record book or books of the Register's office of any county in this State have been damaged or mutilated by fire or otherwise, so that any part of the record in any book is destroyed or mutilated, or is likely to become destroyed or mutilated, by continual use, the county court of such county shall cause the same to be transcribed by the Register, in a

Defaced re-  
ords to be trans-  
cribed by the  
Register.

fair and legible hand, into a well-bound book or books, to be procured by said court, all such record books in the order of the dates of the original registration, marking at the top of each copy the original book and page, or pages, from which the transcript is made, so that no variation may appear between the pages of the transcript and those that were noted in the certificates on the original instruments; and in all cases where the record of any word, part of word, sentence, part of sentence, or part of instrument, is destroyed, all that remains shall be copied, and the destroyed part indicated thus \* \* \*.

Incomplete  
copies.  
Transcripts to  
be collated and  
certified to.

SEC. 2. *Be it further enacted*, That the copies made by the Register shall be faithfully collated by himself and Deputy Register, both of whom shall, at the end of the transcript in each book, by a joint certificate, certify that they have carefully collated the same with the original record book, and that it contains a full, true and complete copy or transcript of the record in said original book; and in case any part of the original record is destroyed or mutilated so that the same cannot be ascertained, they shall add to their certificate the words "so far as the same can be ascertained from its burned or mutilated condition"; and said transcript shall be as effectual and valid to all intents and purposes as the original record.

SEC. 3. *Be it further enacted*, That the Register shall properly index such transcript book or books.

Deputies.  
SEC. 4. *Be it further enacted*, That the Register of such county is authorized to appoint as many deputies as is necessary to insure the completion of such transcripts at the earliest time practicable.

Compensation. SEC. 5. *Be it further enacted*, That for making such transcript, collation and index, the Register shall be entitled to ten cents per hundred words, to be paid by the county.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXXIV.

**AN ACT** to repeal an act passed May 17, 1865, entitled "An Act to amend the criminal laws of the State of Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed May 17, 1865, entitled "An Act to amend the criminal laws of the State of Tennessee," be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That nothing in this statute shall be so construed as to interfere with prosecutions of offenses heretofore committed, but such persons as have been indicted under the statute this act seeks to repeal, shall be triable under said act and punishable accordingly.

**SEC. 3.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXXV.

**AN ACT** to prescribe the duties of Judges of Courts in the State of Tennessee, charging Juries in case of Felony.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of all Judges in the State charging juries in cases of criminal prosecutions for any felony wherein two or more grades or classes of offense may be included in the indictment, to charge the jury as to all of the law of each offense in-

cluded in the indictment, without any request on the part of the defendant so to do.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER LXXXVI.

AN ACT to repeal all laws requiring Auctioneers to pay a Privilege Tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws requiring Auctioneers to pay a privilege tax, be, and the same are hereby repealed: *Provided*, that the provisions of this Act shall apply only to auctioneers of live stock, and the productions of farms, and manufactoryes located in this State. And all Butchers and Hucksters, who supply the public, or market, with good and wholesome meat, and provisions, shall be exempt from paying any privilege tax, as heretofore required. And that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO.  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER LXXXVII.

**AN ACT** to cheapen the Collection of Revenue, and to amend Section 612, Chapter 5 of the Code.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter all collectors of State and County Revenue, in making their reports to the Circuit Courts of their county, as prescribed in section 612 of the Code, shall in addition to the certified report provided for in said section, take and subscribe before the Clerk of said Court the following oath :

Additional  
oath of Trustees  
in making re-  
port.

State of Tennessee, } I, \_\_\_\_\_ collector of the pub-  
County. } lic revenues for the county of \_\_\_\_\_  
do solemnly swear that I have made earnest and diligent  
search on the premises of the respective owners of the  
lands described in the accompanying report, for goods  
and chattels belonging to said respective owners of the  
lands aforesaid, and there is none to be found in my  
county on which I can distrain for said taxes.

Sworn to and subscribed before me, }  
\_\_\_\_\_, Clerk of the Circuit Court }  
of \_\_\_\_\_ County, Tennessee.

**SEC. 2.** *Be it further enacted,* That any judgment ren-  
dered upon the report of any collector of public revenue, Judgments on  
reports with-  
out affidavits void.  
without the accompanying affidavit, as prescribed in sec-  
tion 1 of this Act, shall be void.

**SEC. 3.** *Be it further enacted,* That any collector of  
public revenue who fails to file with the Clerk said affi-  
davit provided for in the first section of this Act, shall Failure to  
make affidavit  
makes sureties  
liable.  
be liable, as well as his securities on his official bond, for  
said uncollected taxes, upon motion of the Attorney Gen-  
eral, at the term of the Court to which said report is  
returnable.

**SEC. 4.** *Be it further enacted,* That any collector of  
public revenue who shall falsely or fraudulently make  
said affidavit as prescribed in section 1 of this Act, shall False affidavits  
be deemed guilty of perjury and punishable as now pre-  
scribed by law for such offenses.

**SEC. 5. Be it further enacted,** That this Act take effect from and after the first day of May, 1877.

Passed March 23, 1877.

**EDWIN T. TALIAFERRO,**

*Speaker of the House of Representatives.*

**HUGH M. McADOO,**

*Speaker of the Senate.*

Approved March 24, 1877.

**JAS. D. PORTER,**

*Governor.*

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## CHAPTER LXXXVIII.

**AN ACT** to amend Section 2 of Chapter 46 of the Acts of 1875.

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That section 2 of chapter 46 of the Acts of 1875, entitled An Act more effectually to secure the revenue received by Clerks and Justices, be, and the same is hereby so amended that the reports required by the first section of said Act to be made by the Clerks of the Courts of this State, shall be made quarterly, on the first Monday in January, April, July, and October, instead of monthly, as now required by the section this Act is intended to amend.

Passed March 26, 1877.

**HUGH M. McADOO,**

*Speaker of the Senate.*

**EDWIN T. TALIAFERRO,**

*Speaker of the House of Representatives.*

Approved March 26, 1877.

**JAS. D. PORTER,**

*Governor.*

## CHAPTER LXXXIX.

AN ACT to repeal all laws imposing a tax on marriage license.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws in this State imposing a tax on marriage license be and they are hereby repealed.

SEC. 2. *Be it further enacted,* That the Clerk's fee for issuing marriage license and taking bond shall be fifty cents, to be paid by the man applying therefor, and no other tax or fee shall be allowed.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XC.

AN ACT to amend the law in regard to privilege tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act of 1867 and 1868, Chapter 79, section 5, be so amended that the owner of every omnibus, carriage or vehicle, hack, wagon, or cart, of a description now liable to privilege tax, shall be liable to such tax upon every such omnibus, carriage, vehicle, hack, wagon, or cart, run for pay within the limits of this State, without regard to the residence of the owner

or the place where the same is kept. That this tax shall be a lien upon the vehicle and other means of conveyance mentioned in the foregoing section, and the same shall be subject to seizure and sale, whether so run by the owner or any other person as hirer from the owner, or as agent.

**SEC. 2. Be it further enacted,** That the public welfare requiring it, this Act take effect from and after its passage.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XCI.

### AN ACT to regulate tax on real estate brokers.

License and  
bond.

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That brokers of real estate, as now defined by law, shall, before offering to do business in any county in the State, apply to the Clerk of the County Court for license to do such business, and said Clerk shall issue such license and take bond substantially, as in case of a merchant; and said Clerk shall be allowed like fees therefor, as in case of license and bond for merchandizing.

State privilege

**SEC. 2. Be it further enacted,** That brokers of real estate shall pay to the Clerk for the State, for the privilege, the sum of five dollars, and no county or municipal corporation shall assess a larger amount of privilege tax on such brokers.

Ad valorem  
tax.

**SEC. 3. Be it further enacted,** That such broker shall pay, as provided in his bond, an *ad valorem* tax on all commissions by them charged, of one per cent.

**SEC. 4.** *Be it further enacted,* That the same take effect from and after its passage, the public welfare requiring it.  
Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XCII.

**AN ACT** to amend sub-sections 60 and 61 of section 553a of the Code, passed July 8, 1870, and entitled an Act to license billiard tables, Jenny Lind and pool tables and ten pin alleys.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That sub-section 60 of section 553a of the Code, passed July 8, 1870, and entitled an Act to license billiard tables, Jenny Lind and pool tables and ten pin alleys, be and the same is hereby amended so as to read that hereafter it shall be lawful for the various County Court Clerks of this State to issue licenses to any person or persons applying for the same to keep a billiard table, Jenny Lind and pool table and ten pin alley at any one place in the county; and that said license shall be issued for the period of three, six, or twelve months from the date of its issuance, as applicants may desire. Term of license

**SEC. 2.** *Be it further enacted,* That sub-section 61 of said section 553, be and the same is hereby amended so as to read that hereafter before said Clerks shall issue the license aforesaid, the applicant or applicants shall pay said Clerk, for the use of the State of Tennessee, the following sums of money: twenty-five dollars for each billiard table or Jenny Lind table, pool table or ten pin alley, for the period of twelve months; twelve dollars and fifty cents for the term of six months, and six dollars and twenty-five cents for the term of three months. Price of license

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XCIII.

AN ACT to repeal Section 553a, sub-section 43, Vol. 1, of Thompson & Steger's compiled laws of the State of Tennessee, repealing the privilege tax on commercial agents, called drummers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the privilege tax on commercial agents, called drummers, Section 553a, sub-section 43, Vol. 1 of Thompson & Steger's compiled laws of the State of Tennessee, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAMES D. PORTER,  
*Governor.*

## CHAPTER XCIV.

**AN ACT** to amend an Act passed March 23d, 1875, entitled "An Act more cheaply to collect the State, county and municipal revenue."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Trustee shall hereafter make and deliver the certified statements of unpaid taxes, now required by law to be prepared on the first day of February, after his receipt of the tax books, and the Constables or Sheriffs shall pay over the taxes specified in said statements on or before the first day of May following the receipt of the same.

**SEC. 2.** *Be it further enacted,* That if Constables fail to qualify and collect the taxes embraced in the certified statements aforesaid, the Sheriffs shall collect the same, but before proceeding therewith, shall give bond in double the amount of the taxes; and if the Constables and Sheriffs fail or refuse to qualify to collect the taxes, the Trustees shall proceed to levy upon and sell personal property sufficient to pay taxes, etc.

**SEC. 3.** *Be it further enacted,* That all taxes hereafter levied shall be due and payable on the first Monday in October of the year for which they are levied.

**SEC. 4.** *Be it further enacted,* That the three taxpayers appointed under the provisions of the fifteenth section of an Act passed March 23, 1875, entitled "An Act more cheaply to collect the State, county and municipal revenue," shall be allowed two dollars a day only when discharging their duties under said section.

**SEC. 5.** *Be it further enacted,* That an Act passed March 23d, 1875, entitled "An Act more cheaply to collect the State, county and municipal revenue," be so amended as to comply with the provisions of this Act.

**SEC. 6.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XCV.

AN ACT to relieve the sureties of delinquent Tax Collectors, Clerks of the County, Circuit and Chancery Courts, and Privilege Tax Collector.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor, Comptroller and Treasurer of this State may make such settlements and compromises with defaulting Revenue Collectors and their bondsmen for defaults hitherto occurred, as they may upon investigation be of opinion are just and for the best interests of the State; and in their investigations under this Act they may send for persons and papers, and administer oaths, and take testimony in writing or otherwise, the substance of which may, if deemed proper, be filed in the office of the Comptroller with reports of such settlements or investigations, and they shall do and perform all other things necessary to carry out and effectuate the power hereby delegated to them.

SEC. 2. *Be it further enacted* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XCVI.

AN ACT to amend section 6 of an Act passed March 10, 1875, entitled "An Act more effectually to secure the revenue collected by Clerks and Justices."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 6 of an Act passed

March 10th, 1875, entitled "An Act more effectually to secure the revenue collected by Clerks and Justices," be so amended as to read: "That the State shall pay the express charges on all moneys expressed to the Treasurer, under the provisions of this Act, and necessary postage for registering, provided the same shall be sent by registered letter; and the public welfare requires that this Act shall take effect from and after its passage.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER XCVII.

### AN ACT to increase the jurisdiction of the Chancery Court.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That jurisdiction of all civil causes of action now triable in the Circuit Court, except for injuries to person, property or character, involving unliquidated damages, are hereby conferred upon the Chancery Court, which shall have and exercise concurrent jurisdiction thereof along with the Circuit Court.

SEC. 2. *Be it further enacted,* That from and after the passage of this Act no demurrer for want of jurisdiction of the cause of action shall be sustained in the Chancery Court, except in cases of unliquidated damages for injuries to person, property or character.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XCVIII.

AN ACT to create a State Board of Health for the better protection of life and health, and the prevention of the spread of diseases in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there is hereby created and established a State Board of Health, to be denominated "The State Board of Health of the State of Tennessee," and to be constituted as follows:

**Composition of Board.** SEC. 2. *Be it further enacted,* That within twenty days after the passage of this Act the Governor shall appoint five physicians of skill and experience, regular graduates of medicine, who have been engaged in practice not less than ten years, one from East Tennessee, three from Middle Tennessee, and one from West Tennessee. Three members of this Board so appointed shall constitute a quorum for the transaction of business at any regular, called or adjourned meeting. All vacancies occurring by death, resignation, or otherwise, shall be filled by the Board, with the advice and consent of the Governor, and commissioned as hereinafter provided.

**Commissions.**

SEC. 3. *Be it further enacted,* That immediately, or as soon as expedient, after the appointment of said five physicians as aforesaid, they shall meet at the office of the Secretary of State, and having taken the oath prescribed for other State officers, the Secretary of State shall issue to each of said members of the aforesaid State Board of Health, a certificate of appointment, upon receiving which they shall severally be and become members of the "State Board of Health of the State of Tennessee," and shall possess the power and perform the duties of said Board as defined by this Act, and they shall hold their office respectively for the terms following, namely; one for one year, one for two years, one for three years, and one for four years, and one for five years, or until their successors are appointed and qualified. They shall next proceed, under the direction of the Secretary of State, to determine by lot which of them shall hold their office for the respective terms of one, two, three and four and five years; which being determined, the Secretary of State shall enter upon their certificates of appointment the term of office thus fixed each mem-

**Terms.**

ber. The term of office of members of the Board after the expiration of the terms aforesaid shall be five years.

SEC. 4. *Be it further enacted,* That immediately after determining the term of office as hereinbefore provided, the Board shall proceed to organize by electing one of their number to be President of the Board, and by electing a proper person, who shall be a regular physician of skill and experience, to be the Secretary of said Board; and in case the Board shall elect one of their members Secretary, then upon his acceptance of that position there shall be a vacancy in the Board, which shall be filled as other vacancies are filled. The Secretary shall continue in office as such for a term of five years, unless removed by a majority of the whole Board by the election of a successor or otherwise, and shall be the executive officer of said Board. He shall give bond with security in the sum of (\$10,000) ten thousand dollars, conditioned for the faithful and impartial performance of his duty, which bond, when accepted by the Board, shall be made of record with the proceedings of the Board, and placed or filed with the Secretary of State. He shall keep his office at some central and convenient place in the State, and shall perform the duties prescribed by this Act or required by the Board.

SEC. 5. *Be it further enacted,* That the Secretary shall receive an annual salary, which shall be fixed by the Board, and the Board shall quarterly certify the amount due him, and on presentation of the certificate the Comptroller shall draw his warrant upon the State Treasurer for the amount. The members of the Board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the Board shall be allowed and paid.

SEC. 6. *Be it further enacted,* That the State Board of Health shall have the general supervision of the interests of health and life of the citizens of this State. They shall especially study the vital statistics of this State, and endeavor to make intelligent and profitable use of the records of sickness and death among the people. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of death, effects of employments, habits, localities and circumstances, upon the health of the people. They shall, when they deem it necessary, advise in reference to location, water supply, drainage and ventilation of any public institution. They shall, from time to time, recommend

*Organization.*

*Secretary's  
bond.*

*Compensation.*

*Duties and  
powers.*

works upon the subject of hygiene for the use of the schools of the State.

*SEC. 7. Be it further enacted,* That in order to afford to this Board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it is hereby made obligatory upon every municipality throughout the State having five thousand and over inhabitants to organize within sixty days after the passage of this Act, provided said municipalities have not already done so, a properly constituted Board of Health, which, in addition to their duties as such local Boards, shall also make monthly, quarterly, semi-annual, and annual reports to and in accordance with such form and instructions as said State Board of Health may prescribe, and also shall make special reports whenever required.

*Meetings of the  
Board.*

*SEC. 8. Be it further enacted,* That the Board shall meet quarterly at Nashville, and at such other places and times as they may deem expedient. A majority of the Board shall constitute a quorum. The Board may adopt rules and by-laws subject to the provisions of this Act.

*SEC. 9. Be it further enacted,* That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER XCIX.

AN ACT to encourage the raising of blooded stock in McNairy county.

WHEREAS, The county of McNairy is peculiarly adapted to the breeding and raising of blooded stock,

and the citizens thereof are becoming largely engaged therein; and

WHEREAS, The McNairy County Agricultural and Mechanical Society has, at considerable cost, prepared a fine tract or special ring for the use of their annual fair, and the stock holders of said Society are very anxious to utilize said track for the speed of horses; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said McNairy County Agricultural and Mechanical Society be and is hereby authorized to use said track for turf-racing, free from the payment of any privilege tax; *Provided,* the use of said track shall at all times be under the control and management of the officers of said Society.

Passed March 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER C.

### AN ACT to repeal Chapter 121 of the Acts of 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Chapter one hundred and twenty-one of the Acts of 1875, entitled "An Act to repeal the second section of an Act passed January 17, 1838," passed and approved March 24, 1875, be and the same is hereby repealed, and the said second section of the Act of January 17, 1838, in all things revived, restored and made of full force and effect. But dams for mills and manufactories may be erected on said river, provided chutes therein are made and kept in full conformity to the requirements of law that were applicable before the passage of the Act hereby repealed, to the dam on said river at the mill commonly called Hawkin's mill,

and formerly known as Gentry's mill. And any citizen of any county through which said river runs may maintain any proper action to cause such dams or any of them to conform to the requirements of law, and any dam not conforming to the requirements of law may be abated as a nuisance.

Passed March 24, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CI.

AN ACT to amend Sections 1277, 1284 and 1292 of the Code, and Chapter 8, Article 3, of the Code, concerning turnpikes.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Section 1277 of the Code of Tennessee be so amended as to read as follows: "There shall be appointed by the County Court of each county Superintendents of Roads, in the State, at its January term in each year, three superintendents, who shall act until their successors are appointed, whose duty it shall be to look over the several turnpike roads and toll bridges in the county, and see that the same are kept in such repair as is required by law, and they shall report quarterly to the County Court as to the condition of the turnpike roads and toll bridges in said county, which said report shall be spread upon the*

*Reports to be minutes of the Court, at the cost of the turnpike companies, and said report or return of said superintendents etc. shall be *prima facie* evidence as to the matters therein reported upon relative to the condition of said roads, in any suit or action against them.*

*SEC. 2. Be it further enacted, That every such company shall in no case permit the macadamized or metal part of their road to be narrower than twelve feet, and twelve feet shall be the greatest width which said compa-*

*Width of metal*

nies shall be required to keep their roads metaled or macadamized.

**SEC. 3. Be it further enacted,** That Section 1292 of the Code be so amended as to read: "Any person or body corporate, privileged by an Act of Assembly to open and keep in repair any tollbridge or tollgate, who shall fail to put and keep the same in repair, as required by this Act, and the report of the County Superintendent, shall be subject to presentment and indictment therefor.

**SEC. 4. Be it further enacted,** That the County Superintendents shall have power to examine into the accounts of receipts and disbursements of said turnpike companies: *Provided*, it is claimed that said companies have so expended their moneys; and if they find that said turnpike roads, or any one of them, has expended the net proceeds of collections from tolls in the repair of their said roads, they must report this fact to the County Court in their quarterly returns to said Court, and this fact shall constitute a good defense to an indictment or presentment for failure to repair as required by law.

**SEC. 5. Be it further enacted,** That none of the turnpike roads of this State shall be indicted, or held otherwise amenable, for an abandonment of any part of their original road: *Provided*, that if said company shall take toll for travel upon any part of their road, said company must take up at least seven consecutive miles of said road, according to the terms of this Act: *Provided*, said road was not, originally, according to its charter, less than seven miles in length.

**SEC. 6. Be it further enacted,** That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH. M. MCADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

*Liability for  
neglect.*

*Examination  
of accounts.*

*Abandonment  
of original  
road.*

## CHAPTER CII.

**AN ACT** to abolish the common law doctrine which requires estates of freehold to support contingent remainder.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall not be necessary, as at Common Law, that a contingent remainder be supported by a particular estate of the dignity of a freehold, but that it shall be sufficient and lawful for contingent remainders to be supported by a preceding estate for years.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CIII.

**AN ACT** to amend an Act to establish a Recorder's Court in the towns of Shelbyville, Murfreesboro, Franklin, Tullahoma, Fayetteville, Winchester and Manchester, passed December 12, 1865.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the second section of an Act passed December 12th, 1865, to establish a Recorder's Court in the towns of Shelbyville, Murfreesboro, Franklin, Tullahoma, Fayetteville, Winchester and Manchester, allowing persons committed under the provisions of said section, to work for said towns in payment of the fines and costs, or penalty, at one dollar and fifty cents, exclusive of board, to be credited on said

Repeals as to  
Murfreesboro.

fine and costs, or penalty, be and the same is hereby repealed, so far as said provision in said second section applies to the town of Murfreesboro.

SEC. 2. *Be it further enacted*, That hereafter any person who may be fined or committed by said Recorder's Court in the town of Murfreesboro, or adjudged to pay, by said Court, any fine and costs, or penalty and costs, and shall fail to pay, or secure to be paid, such fine and costs, or penalty and costs, imposed under said section, shall be placed at labor in and for said town, under the restrictions and limitations in said second section as to health and hours per day; and for such labor shall be allowed, exclusive of board, the sum of twenty-five cents <sup>Penalty or fine</sup> <sub>25c. per day.</sub> per day, to be credited on such fine and costs, or penalty and costs, until the same is paid, at which time such person shall be discharged.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CIV.

AN ACT to amend an Act entitled "An Act to provide for the organization of corporations," approved March 23, 1875, and grant charter to water companies.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the form of charter for a water company shall be as follows: "State of Tennessee. Charter of Incorporation. Be it known, that (here insert the names of five or more persons not under twenty-one years of age) are hereby constituted a body <sup>Form of charter.</sup>

politic and corporate by the name and style of (here insert the name of the company). The general forms, etc., of said corporation are (here insert the general powers, etc., as directed in section 5, Act March 23, 1875). The business of said company shall be to establish and construct waterworks in or near the town, city or village of (herein insert the name), and it shall be the duty of said company to build, furnish and equip waterworks of sufficient capacity to furnish the corporate authorities and inhabitants of said town, city or village with water. To enable the company to establish such works, they are hereby authorized and empowered to lay down pipes through the streets, lanes and alleys of said town, city or village in such manner, however, as to produce the least possible inconvenience to the town, city or village, or its inhabitants, or to travelers, and to take up pavements and sidewalks: *Provided* they shall repair the same with the least possible delay.

The company shall have power, and are hereby authorized, to bring into the said town, city or village a sufficient supply of water by means of pipes or tanks, or in any other way, and to construct reservoirs for the reception thereof, and to supply with water the inhabitants of said town, city or village, and the environs thereof, and all who may be along the line of said companies' pipes, and of erecting hydrants or fire-plugs within the said town, city or village, and to contract with said inhabitants and with the corporate authorities of said town, city or village, or any incorporated companies, for the use of said water, and charge

**Hydrants, etc.** **Charges for water.**

such price for the same as may be agreed upon between said company and said parties, and consumers shall be subject to all such reasonable rules and regulations respecting the use and waste of said water as the directors of said company may from time to time prescribe. The

**Works.** works and operations of said company shall be so constructed and managed that no annoyance shall accrue therefrom to the health and comfort of the inhabitants of said town, city or village, and nothing in this Act shall be so construed as to absolve the company, its officers or agents, from any legal proceedings to restrain or abate any nuisance arising from such waterworks or operations.

**Penalty for injury to pipes, etc.** If any person or persons shall injure or destroy any portion of the water pipes or other property belonging to said company, or shall willfully open a communication into the street or other water pipes, or

let on water after it has been stopped by the company, such person or persons shall be liable for all damages sustained by such proceeding, and also a penalty not exceeding five hundred dollars, upon conviction before a Court having jurisdiction of the offense. If any person or persons shall take or use any of the water of said company for domestic or other purposes, without having previously contracted for the same with the officers of said company, such person or persons shall forfeit and pay to the said company the sum of fifty dollars, to be recovered before any Justice of the Peace in the same manner as other debts are collected by law: *Provided*, that nothing herein contained shall be construed to compel the inhabitants of said town, city or village to use the water so introduced by said company, or to prevent them from using water obtained in any other way. If any person or persons shall wilfully corrupt or permit anything to run into or fall into any stream or reservoir from which the said company shall take water to be introduced into said town, city or village, which shall corrupt the same, or to render it unpalatable, unwholesome or unfit for domestic or manufacturing use, or for the supplying of stationary or locomotive engines, or shall bathe in any dam or reservoir, lead or enter any animal into the same, on being convicted thereof before any Justice of the Peace of the civil district in which said water is situated, shall pay a fine of not less than ten nor more than fifty dollars, one-half to the use of the informer, the other half to the use of said company, and shall moreover remain liable to said company for all damages.

*Using water without license*

*Penalties for injury to the water.*

SEC. 2. *Be it further enacted*, That such charter shall not be granted until after leave to operate under the same shall have been first had and obtained from the corporate authorities of the city, town or village in which it is proposed to operate such waterworks, and such leave shall be certified by the Mayor or Recorder upon the application, and registered with it. And this Act is in no way to interfere with or impair the police or general powers of the corporate authorities of such city, town or village, and such corporate authorities shall have power by ordinance to regulate the price of water supplied by such company.

*Leave of corporation.*

SEC. 3. *Be it further enacted*, That said Act approved March 23, 1875, be and the same is hereby further amended, so that all corporations shall have obtained, or that may hereafter obtain charters under section 11 of

**M**erchandis-  
ing and milling  
powers.

said Act of 1875, shall in addition to the powers specified in said Act, also have power to raise, buy, sell and deal in agricultural products, operate flouring and other mills, and deal in merchandise.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH N. McADOO,  
*Speaker of the Senate.*

Approved March 27, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CV.

AN ACT to authorize County Courts to employ a competent person to superintend the construction of public buildings, bridges, levees, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Quarterly County Courts of this State are authorized (but not required) to employ a competent person to superintend the construction and repair of such county buildings, bridges, levees, etc., as may be necessary; said superintendent to be paid such salary as may be agreed upon, out of the county treasury, but no contract to continue longer than twelve months.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CVI.

**AN ACT** to amend an Act passed March 20, 1875, entitled an Act to abolish the Quorum Courts, and devolve the duties and jurisdiction and powers thereof on the Chairman of the County Court, and to provide for the appointment of a Chairman *pro tempore* in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the County Courts of this State shall, at the April Term, 1877, and thereafter at the January Term of each year, elect from the acting Justices a Chairman *pro tempore*, who shall be vested with all the <sup>Chairman pre</sup> ~~tem.~~ powers of the regular Chairman for the time he is acting as Chairman.

**SEC. 2.** *Be it further enacted,* That it is hereby made the duty of the regular Chairman to notify the Chairman *pro tempore* when he shall fail or be unable to attend either the quarterly or monthly courts; and it is made <sup>Duties of Chair</sup> ~~man pro tem.~~ the duty of the Chairman *pro tempore* to discharge all the duties of the office of the regular Chairman, in his absence.

**SEC. 3.** *Be it further enacted,* That the Chairman of the County Court shall receive no compensation when absent from the court, unless his absence is the result of sickness, or an unavoidable accident; and the Chairman *pro tempore* shall receive for his services such compensation as the County Court may give him, provided it shall not exceed the compensation allowed the Chairman for like services; *Provided*, that this Act shall not apply to counties having a County Judge. <sup>Compensation.</sup>

**SEC. 4.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 26, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER CVII.

AN ACT to amend sub-section 2 of section 4311 of the Code, and for other purposes.

Bills in regard  
to titles, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That sub-section 2 of section 4311 of the Code be amended so as to read: All bills filed in any court seeking to divest or clear up the title to land, or to enforce the specific execution of contracts relating to realty, or to foreclose a mortgage or deed of trust by a sale of personal property or realty, shall be filed in the county in which the land or material part of it lies, or in which the deed of mortgage is registered.

SEC. 2. *Be it further enacted,* That all laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CVIII.

AN ACT to amend an Act entitled "An Act to regulate the business of Life Insurance in the State of Tennessee," passed March 18, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 10 of an Act passed March 18, 1875, be and the same is hereby amended to

read as follows: Sec. 10. That every company doing a life insurance business in Tennessee, whether chartered by the laws of Tennessee or any other State or foreign country, shall be required, for the protection of its policy holders, to keep invested at all times a sum sufficient to reinsure all outstanding risks, calculated upon the American experience table of mortality, at  $4\frac{1}{2}$  per cent. on mutual or participating policies, and at 6 per cent. in stock on non-participating policies, which amount shall be invested in bonds, securities, or mortgages (if mortgages on real estate worth double the sum loaned), to be certified as safe and worth this amount by the Insurance Commissioner of the State in which the company was organized.

Reinsurance  
reserve.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CIX.

AN ACT to repeal sections 3 and 28 of an Act passed January 25, 1871, entitled an Act better to secure the rights of tobacco planters, and of the tobacco trade, and to prevent fraud in the inspection and sale of tobacco, and to simplify the tobacco and inspection laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Sections 3 and 28 of said Act passed January 25, 1871, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 26, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CX.

AN ACT to change the county line between the counties of Davidson and Cheatham.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Davidson and Cheatham be changed and established so as to include J. D. Walkup, N. P. Sneed, J. P. Newsom and A. J. Newsom and their lands in the county of Davidson as follows, to-wit: Beginning in the said county line as now established at Walkup's Spring on the Harpeth river near the North-western Railway, running thence north and east with the west and north boundaries of the lands of J. P. Walkup and N. P. Sneed, about one mile and a quarter to the old road from Newsom's old mill to the Charlotte pike; thence with said old road to the said county line as now established at its crossing of the Charlotte pike.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 26, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXI.

AN ACT to allow personal representatives to sue in case of injury to real property.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when any person entitled to sue for injuries to real property shall die before commencing action, it shall be lawful for the personal representatives of said party to sue and recover for the benefit of the deceased.

SEC. 2. *Be it enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CXII.

AN ACT for the benefit of the East Tennessee Mechanical and Agricultural Association.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the law passed in 1873, on page 134, Chapter 51, section 1, be amended, and instead of President and Directors, authorize the Governor to appoint three commissioners, who shall be fully empowered to contract, transfer, etc., a certain piece of land as described in said Act of 1873, and re-invest the proceeds in the manner and for the purpose as provided for in the said Act.

SEC. 2. *Be it further enacted*, That the time for such sale and re-investment shall be extended five years from the passage of this Act.

SEC. 3. *Be it further enacted*. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXIII.

AN ACT to lessen the limits of the corporation of the town of Atoka, in Tipton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed January 17, 1838, entitled "An Act to incorporate the town of Portersville, in the county of Tipton," and an Act passed March 24, 1875, entitled "An Act to amend the charter and extend the limits of the corporation of the town of Portersville, and to change the name thereof," be and the same is so amended as follows: The bounds of said town are as follows: beginning at a stake on McLaughlin's land at a point 41 chains due south-west from the depot-house in said town; thence east 56.36-100 chains to a stake and sweetgum on Ewin's land; thence north 56.36-100 chains to a stake and walnut on Henry Dickerson's land; thence west 56.36-100 chains to a stake on Wm. Coward's land; thence south 56.36-100 chains to the beginning, containing by estimation in area 317 acres, 2 rods and 23 poles.

SEC. 2. *Be it further enacted*, That the public welfare requiring it, this Act take effect from and after its passage.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CXIV.

AN ACT to amend an Act entitled "An Act for the protection of person and property upon railroads," passed November 25 and approved December 2, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act which this is intended to amend, making it a misdemeanor for the engineer or other employes of any railroad company to cross the track of any other railroad in this State with an engine or train without first coming to a full stop, shall not apply to the longer road when the two roads which cross each other are under the management of the same company, and to this extent said Act is hereby repealed.

SEC. 2. *Be it further enacted*, That the public welfare requiring it, this Act shall take effect and be in force from and after its passage.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER.  
*Governor.*

## CHAPTER CXV.

**AN ACT to change the line between the counties of Smith and Putnam.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That the line between Smith and Putnam counties be so changed as to include in Smith county that portion of the lands of Thomas L. Watts now lying in Putnam county, making said county line follow the line between the lands of G. B. Thompson and said Thomas L. Watts.

**SEC. 2. *Be it further enacted,*** That this act take effect from and after its passage, as the public welfare requires it.

Passed March 23, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 24, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER CXVI.

**AN ACT to change the time of holding the November term of the Circuit Court of DeKalb County.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That hereafter the November term of the Circuit Court of DeKalb county shall begin on the first Monday in November, instead of the second Monday as now provided by law.

**SEC. 2. *Be it further enacted,*** That this act shall take

effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CX.VII.

**AN ACT** to repeal an act passed March 22, 1875, establishing a Bureau of Immigration.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 6 of an act passed March 22, 1875, entitled An Act to create a Bureau of Immigration, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the Commissioner of Agriculture, Statistics and Mines be and he is hereby required to perform the duties of Commissioner of Immigration, without additional compensation.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXVIII.

**AN ACT to appoint additional Trustees for East Tennessee University and Agricultural College.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That J. F. Deadrick, Wm. Morrow, Jno. L. Moses, A. Caldwell, John Williams, Rev. J. F. B. Mays, John M. Fleming, R. J. Wilson, Sam. McKinney, Thos. O'Connor, Geo. Brown, J. W. Gaut and C. E. Luckey be and they are hereby appointed additional Trustees of East Tennessee University and Agricultural College.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 23, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXIX.

**WHEREAS**, Forrest Hill Academy, in McMinn county, is so much dilapidated and out of repair as to be unfit for educational purposes; and,

**WHEREAS**, As the trustees of said academy have no means with which to repair, improve and keep up said academy building and the lot upon which it stands, as the educational interests of the county require; and,

**WHEREAS**, Said academy owns a lot of about three acres of land lying about one mile northeast of the town

of Athens, and one or two lots in the town of Athens, besides the lot on which said academy stands, which said land and town lots are unimproved and yield no income to said academy; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That W. T. Lane, Jno. F. Slover, W. C. Hafley, E: Walker and W. S. Gaston, as trustees of said academy, and their successors in office, be and they are hereby authorized to sell all the land and town lots now owned by said academy, except the lot on which said academy building stands, and to make valid, fee simple title to the purchaser or purchasers thereof, with general warranty, and to do all other acts in relation to said sale, and the divesting and investing title thereto, as may fully effectuate the object of this bill, upon such terms as they may deem best.

Trustees may sell lots.

SEC. 2. *Be it further enacted,* That said trustees and their successors in office shall apply the proceeds of the sale of said lands and town lots, when collected, in repairing, improving and keeping said academy building and the lot upon which it stands, as said repairs and improvements may be deemed necessary for the interests of education.

Proceeds to be applied to repairs, etc.

SEC. 3. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXX.

AN ACT to regulate the lien acquired by judgments, decrees, etc.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the title to real estate shall not be in any manner affected as to third parties by any lien acquired by any judgment, decree, bill in equity, judicial attachment, *lis pendens*, levy of attachment, or

*Abstract to be kept by Register.* levy of execution, without actual notice thereof, till an abstract of such proceeding shall have been filed for record in the Register's office of the county where the land lies. Such abstract shall be recorded in a book to

*Judgment Roll* be kept in said office, to be called the Judgment Roll,—the book to be furnished, as other books of record, by the County Court.

*Decree.* **SEC. 2.** *Be it enacted,* That the abstract of the judgment or decree shall show briefly the names of the parties plaintiff and defendant, the name of the court, and number of the case, and the amount and date of judgment

*Bill in equity, attachment, lis pendens, etc.* The abstract of the bill in equity, attachment bill, *lis pendens*, judicial attachment, shall show briefly the names of the parties plaintiff and defendant, name of the court and number of the case, date of filing the bill or commencement of the suit, date of levy of the attachment, and description of the property upon which it is sought to fix the lien. The abstract of the

*Attachment or execution.* attachment or execution shall show briefly the names of the parties to the suit, the name of the court or justice of the peace issuing the attachment or execution, the number of the execution or attachment, the date of issue and date of levy, and description of the property on which the levy is made.

*Indexes to Judgment Roll* **SEC. 3.** *Be it enacted,* That the clerk or justice of the peace shall furnish a certified copy of said abstract upon the demand of any party entitled thereto, and shall receive therefor fifteen cents; and the Register shall receive fifteen cents for filing and recording the same. The Register shall keep a direct and reverse index of the Judgment Roll, showing the names of all the plaintiffs in alphabetical order, and of all the defendants in alphabetical order, as the grantor and grantee are now indexed in the record of deeds.

**SEC. 4.** *Be it enacted,* That a certified copy of said abstract, certified by the Register, shall be received as

evidence in any of the courts or judicial tribunals of this State.

SEC. 5. *Be it enacted*, That the provisions of this act shall only apply to counties that had, by the census of 1870, a population of not less than forty thousand.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXI.

**AN ACT** to amend an Act entitled "An Act to regulate and organize Municipal Corporations of certain population, and for the increase and diminution of their powers," passed March 20, 1875, and approved March 23, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed March 20th, 1875, entitled an Act to regulate and organize Municipal Corporations, etc., be, and the same is hereby so amended as to apply all the powers, immunities and privileges therein granted to municipal corporations of certain population, to all the municipal corporations in the State, of whatever population, that shall hereafter bring themselves within the terms and considerations of said Act.

SEC. 2. *Be it further enacted*, That section 15 of said Act be, and the same is hereby so amended as to apply the provisions of said section to the petition in writing of any five freeholders instead of fifteen, as now provided in said section.

SEC. 3. *Be it further enacted*, That any part of any county not included within any municipality, may be incorporated under the provisions of sections 2 and 3 of the aforesaid Act, and in the manner therein provided. And upon the return of the vote authorized in said section

parts of county  
may be incor-  
porated.

3, the Clerk of the County Court shall certify to the Secretary of State that notice was duly given and application made in due form of law, the survey, the entire number of votes cast, and the corporate nature of the municipality.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Secretary of State, upon the receipt of said certificate, to file the same in his office, and thereupon issue a certificate of incorporation in these words:

State of Tennessee—Charter of Incorporation.

**Certificate.**

Be it known, the town or city (here insert name and metes and bounds) is hereby duly and legally incorporated, and as such is entitled to all the benefits and subject to all the responsibilities of the laws of the State, applicable to municipal corporations. He will affix thereto his official name and the great seal of the State, and forward the same to the County Court Clerk, who shall immediately cause the same to be registered in the County, and the same, after registration, shall not be collaterally questioned as a legal municipal corporation.

SEC. 5. *Be it further enacted*, That upon such registration, the petitioners and their successors, and all others residing within said district, shall be incorporated and be vested with all the rights incident to corporations. They shall by the name they select have perpetual succession, and may have a common seal, sue and be sued, plead and be impleaded, have, receive, purchase and hold property, real or personal, and grant, sell, or dispose of the same for the use and benefit of said corporation; and shall be entitled to all the rights and powers, and be controlled by all the restrictions and regulations contained and set forth in sections 1359 to 1399 inclusive of the Code of Tennessee.

**Powers on re-**  
**gistry of**  
**certificate.**

**List of voters.**

SEC. 6. *Be it further enacted*, But before making application for a charter of incorporation under this Act, the persons intending to apply shall, in a good substantial blank book, make, or cause to be made, a full and correct alphabetical list of the names of all persons, whether residing within the boundaries of the proposed incorporation or not, who, at the time of making said list, would be qualified voters in municipal elections in the proposed incorporation, were the same then incorporated, and shall leave sufficient space in said list, in no case less than thirty lines, after the last name in each letter of the alphabet, for the addition of other names, as hereinafter provided. When said list is completed it shall be verified as a full, correct and complete list, by the affidavit of at least three of the persons intending to apply for a

charter, that they verily believe it to be such, taken before any official authorized by law to administer oaths in Tennessee. When said list has been so verified it shall, <sup>Custody of list.</sup> if the town proposed to be incorporated be a county site, be deposited or filed with the Clerk of the County Court of the county in which it is situated; if not a county site, then with any Justice of the Peace residing within the proposed incorporation; and if no Justice of the Peace reside within the proposed incorporation, then with the nearest Justice of the Peace of the county in which said town is situated; and it shall be the duty of such Clerk or Justice of the Peace to mark on said list the date of filing the same, and keep it subject to public inspection, and <sup>Notice of list & boundaries.</sup> for the other purposes hereinafter mentioned. Written or printed notice, to which the names of at least five of the persons intending to apply for the charter shall be attached, setting forth the name and boundaries of the proposed incorporation, the time of filing said list, the place where the same may be found, and the name of the official having custody thereof, shall be conspicuously posted at not less than three public places within the proposed incorporation, for thirty days, and if there be a newspaper published in said town, or if not, and there be one published in the county, such notice shall also be published therein once a week for four successive weeks. At any time after said list has been filed with such Clerk or Justice of the Peace, and before the day of the election hereinafter provided for, any person, who would, were said town then incorporated, be a qualified voter in municipal elections therein, and whose name has been omitted from or incorrectly written on said list, may have his or her <sup>Names omitted</sup> name entered or corrected under the proper letter on said list by applying to the official having custody of said list and demanding that the same be done, and it shall be the duty of said official to enter or correct such name, but, if not satisfied as to the right of the person applying, he may cause them to make oath that they are so entitled, and they shall be liable to be prosecuted for perjury if they willfully swear falsely.

SEC. 7. *Be it further enacted,* At the expiration of thirty days from the date of posting of the notices aforesaid, or if published in a newspaper, thirty days from the date of the first publication, the sheriff of the county in which such town is situated, by himself or deputy, upon the costs incident to such election being paid or secured to him, shall, after giving ten days' notice, open and hold an election in said proposed incorporation, to ascertain

**Ballots.**

the will of the qualified voters in regard to the incorporation of said town. The qualified voters who favor the incorporation of said town shall have written or printed on their ballots or tickets the word "Corporation," and those who oppose the incorporation of said town shall have written or printed on their tickets or ballots the words "No Corporation." On the day of said election and before the polls are opened, the official having custody of said list of qualified voters, shall deliver the same to the sheriff or deputy holding said election.

**SEC. 8. Be it further enacted,** No application or charter of incorporation for such town shall be registered, or if registered such application or charter shall be of no force or effect whatever, unless the certificate of the sheriff or deputy holding said election shall be endorsed on the application and registered with it, and shall show the number of voters on said list, and that at least two-thirds thereof have voted in favor of the incorporation of said town. The certificate of said sheriff or deputy shall be substantially in the following form, to-wit:

**Sheriff's certificate.**

State of Tennessee, } I, \_\_\_\_\_, Sheriff (or Deputy  
 \_\_\_\_\_ County. } Sheriff) of said county, certify that  
 in accordance with the provisions of law applicable to  
 such cases, I opened and held an election in the proposed  
 incorporated town of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_  
 in the year \_\_\_\_\_. The list of qualified voters of said town  
 furnished me on the day of said election shows the num-  
 ber of such qualified voters to be (here insert the number  
 both in words and figures.) At said election there were  
 cast for "Corporation," \_\_\_\_\_ (here insert the number  
 both in words and figures) votes, and for "No Corporation"  
 (here insert the number both in words and figures) votes.  
 This the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_\_. (Signed Sheriff or  
 Deputy Sheriff.)

**completion of organization.**

**SEC. 9. Be it further enacted,** If two thirds of the voters shall have voted for "Corporation," it shall be the duty of the Sheriff or Deputy Sheriff holding said election to make said certificate when the application for the charter shall be presented to him; and when said Corporation is organized he shall deliver said list of qualified voters to the Mayor of such town. If a sufficient number of votes are not cast to authorize the application for said incorporation, said list shall be deposited with the Clerk of the County Court of the county in which such town is situated.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXII.

AN ACT to amend Sections 4894 to 4912 inclusive, of the Code of Tennessee, and also to amend Chapter 22 of the Acts of 1869-70, entitled An Act to amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That 4894 to 4912 inclusive, of the Code of Tennessee, and Chapter 22 of the Acts of 1869-70, entitled an Act to amend the Criminal Laws of the State, be so amended as to make the provisions of said sections of the Code and said chapter of the Acts of 1869-70 apply to all elections held under the authority of the municipal corporations of this State, whether such corporations were organized under a special charter, or under the general laws providing for the organization of municipal corporations, and any person who may, in any election held under the authority of any municipal corporation in this State, violate any of the provisions of said sections of the Code, and said chapter of the Acts of 1869-70, shall be subject to indictment or presentment, and punishment as prescribed in said sections and Act.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXIII.

AN ACT to provide for the organization of Corporations for brewing Beer and Ale and to amend an Act passed March 19, 1875.

Three or more charter members.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any three or more persons, over twenty-one years of age, shall have the privilege of obtaining a charter of incorporation for the purpose of brewing and manufacturing beer and ale.

Powers, rights and privileges.

SEC. 2. *Be it further enacted*, That corporations created under the provisions of this Act, shall have the power to construct and build breweries to be operated by steam or other power, and generally to put up any and all buildings, shops and sheds necessary for carrying out the purposes of the corporation, including the right to vend and sell beer and ale, and also to purchase, own and hold real estate and other property sufficient for the business of the corporation, and shall also have all the powers, rights and privileges conferred on corporations by section five, (5) of chapter 142 of the Acts of 1875, entitled an Act to

provide for the organization of corporations, approved March 23, 1875.

SEC. 3. *Be it further enacted*, That corporations created under the provisions of this Act shall have a capital stock paid up, to be divided into shares of one hundred dollars each, of not less than five thousand dollars nor more than five hundred thousand dollars, and that such corporations may from time to time increase or diminish their capital stock to any amount within said limits. Capital stock.

SEC. 4. *Be it further enacted*, That the form of a charter for a corporation under the provisions of this Act shall be as follows :

**State of Tennessee—Charter of Incorporation.**

Be it known, that (here insert names of three or more persons who desire to be incorporated) are hereby constituted a body politic and corporate by the name and style of (here insert the name) for the purpose of brewing beer and ale, within the meaning and purview of an Act of the General Assembly of the State of Tennessee, entitled "An Act to provide for the organization of a corporation for brewing beer and ale."

SEC. 5. *Be it further enacted*, That to said charter shall be appended an application in these words : "We, the undersigned, apply to the State of Tennessee by virtue of the laws of the land, for the foregoing charter of incorporation. Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_.  
Application." That said application shall be signed by three or more corporators and acknowledged by them before the Clerk of the County Court, and that the charter with the application and certificate of acknowledgment thereof, shall be registered in the Register's office of the county where the main business of the corporation is to be conducted ; the fact of registration is to be endorsed on said instrument by the Register, which shall then be transmitted to the Secretary of State, who shall copy the same in his book kept for that purpose, with the probate of acknowledgment and certificate of Register. The Secretary of State shall certify in the original instrument that the same has been registered in his office, to which certificate shall be affixed the great Seal of the State, whereupon the formation of the corporation is declared complete, and the validity of the same shall not be impeached in any collateral proceeding.  
Registration.

SEC. 6. *Be it further enacted*, That for their services the Register and Secretary of State shall each receive Fees of Regis'r & Sec. of State

three dollars, and the Clerk the same fees as for a probate-  
or acknowledgment of a deed.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXIV.

AN ACT to change the times of holding the Circuit Courts of  
Clay County.

SECTION 1. *Be it enacted by the General Assembly of  
the State of Tennessee,* That the Circuit Courts of the  
county of Clay shall begin on the first Mondays after the  
fourth Mondays of January, May and September, instead  
of the fourth Mondays of said months, as now provided  
by law.

SEC. 2. *Be it further enacted,* That all bonds, recogni-  
zances, and process returnable to the fourth Monday of  
May next, shall be returnable to the first Monday after  
the said fourth Monday, and shall be of the same validity  
as if made returnable to said Monday.

SEC. 3. *Be it further enacted,* That this Act shall take  
effect from and after its passage, the public welfare re-  
quiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXV.

**AN ACT to extend the corporate limits of the town of Fayetteville.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate limits of the town of Fayetteville, in the county of Lincoln, be and the same are hereby extended to the following limits, to wit: beginning on the west bank of Norris Creek where what is known as the tanyard branch empties into said creek, thence south with the west bank of said creek to the mouth of the same, thence west with the north bank of Elk river to the stone bridge across the same, thence west to the southeast corner of Jas. K. Burman's tract of land, thence west with said Burman's south boundary line to his southwest corner, thence north to the south boundary line of said corporation, and the corporate limits of said town of Fayetteville, Tennessee, be further extended by beginning at the northwest corner of a lot deeded to the trustees of Milton College, thence due north to the Fayetteville and Elkton turnpike, thence east to the northwest corner of Rose Hill Cemetery, thence to the northwest corner of a lot known as the African Church lot on Rock Hill, thence to the bridge across Dry Creek, on the Fayetteville and Shelbyville turnpike.

**SEC. 2.** *Be it further enacted,* That none of the lands within the limits of the extension made by the foregoing section shall be subject to corporation taxes, unless the same is or may hereafter be laid off in town lots.

Passed March 24, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 26, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER CXXVI.

AN ACT to amend the charter of the Lebanon and Sparta turnpike road, and to extend the road to the town of Smithville, DeKalb county, Tennessee, and for other purposes.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That an Act passed the — day of —, 1832, chartering the Lebanon and Sparta turnpike road, and incorporating the company thereof, be so amended as to authorize the board of directors of the said company, by the consent of a majority of the stock-holders of the said company, as to authorize the directors of the road to extend the road to the town of Smithville, DeKalb county, Tennessee, from its terminus on the top of Swan's hill, where it now terminates, the bed of the said road only to be sixteen feet wide, and to be finished in all other respects as is required by law to complete the road under the original charter.*

*SEC. 2. Be it further enacted, That for the purpose of enabling the company to extend and to complete the said road, as is required by this Act, they shall have power to open books for the purpose of receiving subscription in money or labor, in stock, and every twenty-five dollars so subscribed shall constitute one share in stock of the aforesaid company, and the several sums of money and labor so subscribed shall be paid as directed by the directors of said company.*

*SEC. 3. Be it further enacted, That so soon so the directors shall finish two miles of the road, commencing at the terminus of the road on Swan's hill, they shall have power and authority to erect one gate, and receive toll at the gate, at the rates of the other gates now erected on the said road.*

*SEC. 4. Be it further enacted, That when the directors shall complete the said turnpike road to the Court-house, in the town of Smithville, they shall have the authority to erect one other tollgate on said road, not to be erected nearer to Smithville than one-half mile of the corporation line of the town of Smithville, and receive toll at the same rates as the other gates now receiving toll.*

*SEC. 5. Be it further enacted, That the charter of the Stigo turnpike road be so amended as to relieve the company from keeping the road from the top of Swan's*

Width of bed.

Subscription  
to stock

Tollgate.

Another toll-  
gate.

Stigo turnpike  
abandoned.

hill to Smithville in repair, so soon as the directors shall complete the road to Smithville, of the Lebanon and Sparta road.

SEC. 6. *Be it further enacted*, That for the purpose of enabling the company to build and complete the road to Smithville, they shall have all the powers and privileges that the company had in building and completing the road under the original charter.

SEC. 7. *Be it further enacted*, That an Act passed — 1837, chartering the Lebanon and Sparta turnpike company, be so amended as to authorize and empower the aforesaid company to survey out and build the aforesaid turnpike road, beginning at the bridge of Spring Creek, Wilson County, Tennessee, running in the most practical route to the town of Carnsville, in Wilson county, Tennessee, the said road to be bedded and graded sixteen feet wide, and to be finished in all respects as the original charter required said company to finish and complete the original road running from Lebanon to the top of Swan's hill.

SEC. 8. *Be it further enacted*, That the aforesaid company shall have power and authority to erect a tollgate every five miles on its aforesaid road, and receive tolls at the same rates that they received toll under the original charter, on the original turnpike road.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXVII.

**AN ACT** to authorize the citizens or School Commissioners, or both, of the Third Fractional Township, North; Fifth Range, East of the meridian, Ocoee District, Tennessee, to lease the school lands in said township for mining purposes.

**WHEREAS**, There have been mineral discoveries on the school lands in the Third Fractional Township, North Fifth Range, east of the meridian, Ocoee District, Tennessee, which school lands lie in the sixteenth (16th), and possibly a part in the twenty-first (21st) section of said township; and

**WHEREAS**, The citizens of said township in person, and also through their School Commissioners, have leased said school lands to S. B. Miller, Cromwell Pearce and T. E. McCrosky, for the purpose of mining for gold, silver, copper and other minerals to be found thereon, the rents or royalties to be paid for the benefit of the school children residing in said township; and

**WHEREAS**, said citizens and School Commissioners of said township desire to extend the time of said lease to said lessees to a period of fifty years, so as to encourage a full development of all minerals thereon, but do not feel authorized to do so under the law as it now exists. Therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of developing the minerals and mineral interest, and mining for same, upon the School lands in the Third Fractional Township, North, Range Fifth, East of the meridian, Ocoee District, Tennessee, the citizens or School Commissioners, or both, of said fractional township are authorized to lease said school lands to S. B. Miller, Cromwell Pearce and T. E. H. McCroskey, for a period not exceeding fifty years, and for mineral purposes only, upon such terms and conditions as will be most conducive to the interest of the school children living in said fractional township.

**SEC. 2.** *Be it further enacted* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. MCADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

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## CHAPTER CXXVIII.

**AN ACT** to amend the corporation of the city of Brownsville.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the election of Mayor and Aldermen shall be held on the first monday of September instead of the first Saturday in January, as now provided by law, and that the Mayor and Aldermen so elected shall hold their office for two years from and after the first Monday in January succeeding their election, at which time they shall be inducted into office, and shall hold their office until their successors shall be elected and qualified.

**SEC. 2.** *Be it further enacted,* That elections shall be held biennially on the first Monday in September thereafter for the election of Mayor and Aldermen, as provided in the first section of this Act, and shall be inducted into office at the time mentioned in the first section, to wit: on the first Monday of January next following.

**SEC. 3.** *Be it further enacted,* That the City Marshall shall be elected by the Mayor and Board of Aldermen, and shall hold his office for two years, unless for good and sufficient causes he shall be removed by the Mayor and Board of Aldermen, and the said Mayor and Board of Aldermen shall alone be the judges of the sufficiency of the cause of removal.

**SEC. 4.** *Be it further enacted,* That an Act passed March 19, 1875, amending the charter of the city of Brownsville, Chapter 72, Sections 7, 8, 9, 10 and 11, and all other Acts in conflict with the provisions of this Act be and the same are hereby repealed.

**SEC. 5.** *Be it further enacted,* That the public welfare demanding it, this Act take effect from and after its passage.

Passed March 23, 1877.

HUGH M. MCADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

Change of day of election

Elections biennial.

City Marshal.

Acts repealed.

## CHAPTER CXXIX.

AN ACT to repeal an Act to improve public roads, approved March 26th, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the above recited Act be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXX.

AN ACT to change the line between Blount and Monroe counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Blount and Monroe be and the same is hereby changed so as to leave the Little Tennessee River where said line now intersects the same, run in a northerly direction one mile or more; thence east and south to said river, so as to include in Monroe county all the lands owned by Charles F. Henley, J. L. Johnson and John B. McGhee, that adjoin each other.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CXXXI.

AN ACT to change the line between the counties of Coffee and Grundy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Coffee and Grundy be so changed as to include the lands of Ewell Smith, in the county of Coffee, beginning on a rock on the Coffee and Grundy line, thence south  $84^{\circ}$ , east with W. H. Willis' line to James H. Patton's line, thence with said line south  $6^{\circ}$  east, to a rock pile, James H. Patton's corner, thence south  $83\frac{1}{2}^{\circ}$  west to the Coffee county line.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXXII.

AN ACT to remedy the law in cases of Certiorari and Supersedeas.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee* That hereafter it shall not be necessary that a levy shall be made on the defendant's property in order to entitle him to the writ of Certiorari and Supersedeas.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXXIII.

AN ACT to amend the charter of the "Knoxville, Tazwell and Jacksborough Turnpike Company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 13, chapter 142, of the act incorporating the Knoxville and Jacksborough Turnpike Company, passed May 26, 1866, and which company was consolidated by an act passed December 11, 1866, by section 6, chapter 33, under the name and style of the Knoxville and Tazwell Turnpike company, and whereas under the original charter of section 13 as above specified, is hereby so amended and modified as to give and grant such length of time for the extension of said road beyond the first five miles as the directors or officers of said road may deem necessary, and no forfeiture shall operate against said company or its rights and

Additional  
time to extend  
road.

privileges, granted under said charter, under said section 13.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## CHAPTER CXXXIV:

AN ACT to authorize towns and cities having a population of not less than twenty thousand nor more than forty thousand inhabitants, to levy a special tax for the purpose of constructing or enlarging water-works.

SECTION 1. *Be it Enacted by the General Assembly of the State of Tennessee*, That municipal corporations heretofore chartered, having the population aforesaid according to the Federal census of 1870, are authorized to levy an annual tax for four years, the aggregate tax for any one year not to exceed the sum of one hundred thousand dollars, the proceeds of which levy are to be used exclusively in constructing reservoirs, purchasing pipes, engines, iron for filtering gallery, etc., and any other legitimate purpose connected with the construction of works necessary for a full and ample supply of water to the citizens of said corporation.

SEC. 2. *Be it further enacted*, That the tax levied as aforesaid shall be in addition to all other taxes, and the same, when collected, not turned into the treasury on general account, but paid over by the collector or trustee to a committee or commission authorized to contract for and superintend the construction of said works.

SEC. 3. *Be it further enacted*, That the committee or

*Annual tax  
for four years.*

*Tax for spe-  
cific purpose.*

*Construction  
commission.* commission shall consist of three persons, to be nominated by the Mayor, and the nominations confirmed by a majority of the members of the Board of Aldermen and Common Council, each board voting separately on the question of confirmation.

*Council to ratify contracts.* SEC. 4. *Be it further enacted,* That no contract made by the committee or commission involving a greater amount than \$10,000 shall be valid, unless the same is submitted to and approved by a majority of said board.

*Removal of commissioners.* SEC. 5. *Be it further enacted,* That by ordinance duly passed, said members of the committee or commission may be removed or suspended, and other persons appointed.

SEC. 6. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXXV.

AN ACT to regulate the pay of special judges of the inferior courts of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when, by reason of the incompetency, sickness, or other cause, any Judge or Chancellor in the State of Tennessee he shall be unable to hold his courts, and a special Judge shall be appointed or elected, said special Judge shall receive no compensation from the State, unless in the recommendation or certificate of the regular Judge or Chancellor for the appointment of the special Judge or Chancellor he shall expressly authorize the said Judge or Chancellor to be paid

out of his regular salary, in which event said special Judge or Chancellor shall receive such pay as the regular Judge or Chancellor should have received for the same length of time, to be deducted out of the salary of such regular Judge or Chancellor.

SEC. 2. *Be it further enacted*, That this act shall not apply to regular or special Judges elected or appointed upon the Supreme Bench of Tennessee.

Passed March 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXXVI.

AN ACT to amend an act entitled "An Act to establish a court to be called the Common Law and Chancery of the county of Madison."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 8 of an act passed March 17, 1875, entitled An Act to establish a court to be called the Common Law and Chancery Court of the county of Madison, be in all things repealed, except in so much as the same fixes the amount of the salary of the Judge of said court.

SEC. 2. *Be it further enacted*, That from and after the 27th of December, 1876, the salary of the Judge of said court be paid the same as the salary of other judicial officers of the State of Tennessee.

SEC. 3. *Be it further enacted*, That this act take

effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,

*Governor.*

## CHAPTER CXXXVII.

AN ACT to change the line between the counties of Hawkins and Hamblen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Hawkins and Hamblen be so changed as to include all the lands of A. M. Trulling in Hamblen county.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

HUGH M. McADOO,

*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## CHAPTER CXXXVIII.

**AN ACT** to detach a portion of the third civil district of Marion county, and attach the same to Sequatchie county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the following described portion of the third civil district of Marion county be detached from the county of Marion and attached to the county of Sequatchie, viz: beginning at the southeast corner of Sequatchie county and running up the northeast fork of Suck Creek to where the road leading from the McEntire farm to George W. Bridges crosses the same, thence westwardly a direct line to the south corner of Russell Bias' field, thence westwardly a direct line to the southeast corner of Josiah Burnett's land, thence with the southern boundary of said Burnett's land to the east main valley road, thence down the center of said road southwestwardly to a point in the center of the same near W. M. Roberts' and opposite the center of a lane leading westwardly; thence leaving said main valley road and running with the center of said lane westwardly to the west end of the same; thence a northwestwardly direction to the mouth of the Goose Pond Branch at Sequatchie River; thence down the center of Sequatchie River as it meanders to the southeast corner of David S. and LaFayette Condra's land; thence with the southern boundary line of said David S. and LaFayette Condra's lands westwardly to the southeast corner of the same near the west main valley road; thence a direct line to where the Nancy Williams or James Griffith Spring branch crosses said road; thence northwardly at the center of the main west valley road to where Joel Griffith's southern boundary land line crosses the same; thence westwardly with said line between Joel and James Griffith's lands to Joel Griffith's southwest corner; thence northwardly with said Joel Griffith's line to Joseph Golston's line; thence with the southern boundary of said Golston's lands, and around the same to his northwest corner, so as to include said Golston in Sequatchie county; thence north  $50^{\circ}$  west to the Grundy county line; thence with the Grundy county line to the southwest corner of Sequatchie county; thence with the southern boundary line of Sequatchie county to the beginning. *Provided,* the fraction above taken from Ma-

~~Liability for proportion of debts.~~ Marion and attached to Sequatchie county shall be liable for its pro rata of all debts contracted by said Marion county prior to the separation, and shall be entitled to its proportion of any stocks or credits belonging to said county; and provided further, two-thirds of the qualified voters of said fraction shall vote in favor of the change.

~~Election, how and where held~~ SEC. 2. Be it further enacted, That it shall be the duty of the sheriff of Marion county, on the first Thursday in April next, at M. E. Deakins' store, to open and hold an election, at which election he shall receive the ballots of persons living within the boundary above described who are qualified to vote for members of the General Assembly. Those who favor the detachment of said territory from Marion and the attachment of it to Sequatchie county, shall have written or printed on their ballots "For the detachment," and those opposed to the proposition shall have written or printed on their ballots the words, "Against the Detachment." If it shall appear that two-thirds of the votes cast at said election are in favor of the proposition, then said portion of said district shall be detached from Marion county and attached to Sequatchie county, without further form or ceremony.

SEC. 3. Be it further enacted, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXXXIX.

**AN ACT to authorize the town of Dyersburg to elect its town Constable and Mayor by a direct vote of its qualified voters.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the town Constable and Mayor of Dyersburg shall be elected by the voters <sup>Voters.</sup> of said town qualified to vote for aldermen, and at the same time and place, and under the same law as said aldermen are now elected.

**SEC. 2.** *Be it further enacted,* That the person receiving the highest number of votes for Mayor shall be declared by the Sheriff of Dyer county elected <sup>Highest number of votes to elect.</sup> Mayor of said town, and the person receiving the highest number of votes for town Constable shall be declared by the sheriff duly elected, and the clerks shall make certificate of such fact to the Recorder.

**SEC. 3.** *Be it further enacted,* That the compensation to the Constable and Mayor shall be fixed by the Board <sup>Compensation.</sup> of Mayor and Aldermen, and that each of said officers shall serve for and during the term of one year, unless removed for cause.

**SEC. 4.** *Be it further enacted,* That nothing in this act shall be construed so as to prohibit the Board of <sup>Policemen.</sup> Mayor and Aldermen to appoint as many policemen as may be necessary, and the Mayor shall, as heretofore, remain a member of the Board of Mayor and Aldermen.

**SEC. 5.** *Be it further enacted,* That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXL.

**AN ACT** to change the line between Hancock and Hawkins counties.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Hancock and Hawkins be changed as follows: beginning in the line of said counties on the top of the Middle Ridge; thence eastwardly along on the top of said ridge to the pike road; thence with said road and the line of Wm. J. Davis' farm to the top of War Ridge; thence along on the top of said ridge eastwardly to John Curry's east corner on said ridge; and thence northwardly and eastwardly with said Curry's line to the Hancock and Hawkins line; and all the parts of farms of Wm. J. Davis, Robt. D. Green, Wm. D. Trent, and John Curry, lying on the north and west of this line be included in and constitute a portion of Hancock county, the written assent of the parties by petition having been made to this General Assembly.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLI.

**AN ACT** to attach White county to the Sixth Judicial Circuit.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county of White be detached from the Fifth and attached to the Sixth Judicial Circuit.

**SEC. 2.** *Be it further enacted,* That the Circuit Courts of said county shall be held in the court house at Sparta <sup>White county Circuit Courts.</sup> on the 4th Mondays in January, May and September.

**SEC. 3.** *Be it further enacted,* That the Circuit Courts of Warren county shall commence on the 2d Mondays of <sup>Warren county Circuit Courts.</sup> February, June and October.

**SEC. 4.** *Be it further enacted,* That all bonds and recognizances, and all process, civil and criminal, made returnable to the Circuit Courts of said counties, as now provided by law, shall be made returnable to the corresponding terms of said courts as provided by this Act, and be as valid and binding as if made returnable to said term in the first instance.

**SEC. 5.** *Be it further enacted,* That the Judge of the <sup>Judge and Att'y Gen.</sup> Sixth Judicial Circuit shall hold the Circuit Courts of White county, and the Attorney General of the Sixth Circuit shall act as Attorney General for said county of White.

**SEC. 6.** *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it, and shall continue in force until the first day of May, 1878, when it shall cease to be of any effect, and the said county of White shall revert to the Fifth Judicial Circuit, and its Circuit Courts be held by the Judge of the Fifth Circuit, and the Attorney General of said Circuit shall act as Attorney General of said county, and the Circuit Courts of said counties of White and Warren shall be thereafter held as now provided by law.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLII.

**AN ACT** to amend section 2108a of the Code, and to increase the exemption in the hands of heads of families.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 2108a of the Code be and the same is so amended that hereafter in addition to the articles therein enumerated theré shall be further exempt from execution, seizure, or attachment in the hands of the heads of families, one hundred gallons of sorghum molasses, five bee hives and the products of the same, one hundred pounds of soap, fifty pounds of lard, one hundred pounds of flour, fifty pounds of salt, one hundred pounds of beef or mutton, one pound of black pepper, one pound of spice, one pound of ginger, twenty pounds of coffee, fifty pounds of sugar, three bushels of meal, one bushel of dried beans, one bushel of dried peas, fifty bushels of Irish potatoes, fifty bushels of sweet potatoes (provided they be kept for family use and not for sale or merchandise), ten bushels of turnips, one pair of andirons, one clock, all the canned fruits put up for the use of the family, not to exceed twenty dollars in value, and twenty bushels of peanuts, three strings of red pepper and two gourds, two punger gourds, a carpet in actual use by the family, not exceeding in value twenty-five dollars.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLIII.

**AN ACT** to repeal the Act establishing a Criminal Court in the counties of Williamson, Maury, Giles and Marshall.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Act approved December 14, 1871, Chapter 72, entitled an Act to establish a <sup>Act of 1871 re-pealed.</sup> Criminal Court in the counties of Williamson, Maury, Giles and Marshall, be and the same is hereby repealed, this Act to take effect in the respective counties at the times hereinafter mentioned.

**SEC. 2.** *Be it further enacted,* That this Act shall take effect on the first day of September, 1878, and thereafter all continuances in the Criminal Courts of said counties shall be to the term of the Circuit Court next thereafter <sup>Time of effect and location of continuances.</sup> in the county where said continuance may be had, and all recognizances taken in said Criminal Court shall in like manner be taken for appearance in said Circuit Court.

**SEC. 3.** *Be it further enacted,* That after the 1st day of September, 1878, all the jurisdiction and powers now <sup>Jurisdiction and powers.</sup> vested in said Criminal Courts of said counties shall vest in the Circuit Courts of said counties.

**SEC. 4.** *Be it further enacted,* That the minutes, dockets, and records of said Criminal Court shall be continued and used in the Circuit Court, and the same shall be <sup>Dockets, records, etc., continued in Circuit Court.</sup> kept separate from the civil business of said court, so that the criminal proceedings of said court shall be kept in one set of books, and the proceeding in civil cases in another.

**SEC. 5.** *Be it further enacted,* That in the counties of Williamson, Maury, and Giles, the second Monday of each term of the Circuit Court shall be the day of taking up the criminal docket, and the same shall be continued until disposed of, and then the civil docket resumed and continued until disposed of; and in the county of Marshall the first Thursday of the term shall be the Criminal Court day, and the business shall be taken up and con-

tinued until disposed of, and then the civil business shall again be taken up and continued until disposed of.

Passed March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLIV.

**A**N ACT to repeal section 25 of Chapter 67 of an act passed March 9, 1867, entitled an Act to incorporate the Dandridge Railroad Company, and for other purposes.

**S**EC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 25 of Chapter 67 of an act passed March 9, 1867, and entitled an Act to incorporate the Dandridge Railroad Company, and for other purposes, be and the same is hereby repealed.

**S**EC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLV.

**AN ACT** to protect game and fisheries on Reelfoot Lake, in Obion and Lake counties.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any person other than citizens of Obion and Lake counties to hunt, fish, or kill fowls on Reelfoot Lake for profit; Fishing, etc., for profit. *Provided,* that all citizens of the State of Tennessee be allowed to hunt, fish, or kill fowls upon said lake for their own use.

**SEC. 2.** *Be it further enacted,* That all persons violating the first section shall be subject to a forfeiture of fifty dollars for the first offense, and one hundred dollars for each subsequent offense, to be recovered before any Justice of the Peace in Obion and Lake counties, in the name of any persons who may sue for the same, one-half to pay to the County Trustee and the other half to the party suing therefor, and that the Justice of the Peace shall have power to commit the offender until the forfeiture and costs are secured. Forfeitures, how recovered.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLVI.

**AN ACT to increase the salary of the County Judge of Jackson.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That section 4 of an Act passed 24th March, 1875, entitled "An Act to amend section 316 of the Code, providing for the election of County Judges," be so amended as to increase the salary of the County Judge of Jackson county from three hundred dollars per annum to five hundred dollars per annum.

**SEC. 2. *Be it further enacted,*** That this Act take effect from and after the next election for County Judge of Jackson county.

Passed March 24, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 26, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER CXLVII.

**AN ACT to authorize an election in McNairy county to remove the county seat.**

**Election Aug. 1. 1877.**  
**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That an election is hereby authorized to be held at the various voting places in McNairy county, on the 1st day of August, 1877, for the purpose of allowing the citizens of said county to vote upon the

question of the removal of the seat of justice from the town of Purdy to either Bethel or Falcon, on the Mobile and Ohio Railroad.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Sheriff of said county to advertise not less than forty days, and open and hold said election in the same manner that other elections are held under the general election laws of the State.

SEC. 3. *Be it further enacted*, That all the legally qualified voters of said county are hereby authorized to vote in said election, by ballot, either for or against said removal. Those voting for said removal shall have written or printed on their ballots, "Removal." Those voting against said removal shall have written or printed on their ballots, "No removal."

SEC. 4. *Be it further enacted*, That the clerks and judges of said election at each voting place in said county, shall make and certify triplicate copies of the votes or ballots cast at said election, and return copy to the Sheriff, one to the Chairman of the County Court, and one to remain with said clerks and judges; the returns made to the Sheriff shall be counted and compiled by the clerks and judges of election at Purdy, and a copy of the result certified to the Chairman of the County Court, the original to remain in the hands of the Sheriff.

SEC. 5. *Be it further enacted*, That at the next Quarterly Court of said county after said election, the returns made out and certified to the Chairman of said Court shall be counted by the Justices thereof, and the result compared with the certified result of the count made by the clerks and judges of the election at Purdy, and the Chairman shall then and there declare the final result.

SEC. 6. *Be it further enacted*, That if at said election the number of votes cast and counted for the removal of said seat of justice to said Railroad shall be equal to two-thirds of the whole number of votes cast and counted for Governor, then and in that event it shall be the duty of said Court to order an election to be held in not less than forty days, to determine whether said seat shall be located at Bethel or Falcon, and those voting in said election for Bethel, shall have written or printed on the face of their ballots, "Bethel," and those voting for Falcon, shall have written or printed on the face of their ballots, "Falcon," and the clerks and judges of said election shall make their returns to the Chairman of said Court, and the same shall be counted by the Justices of said Court, and the result declared by the Chairman, and the

place receiving the highest number of votes shall be the county seat.

SEC. 7. *Be it further enacted*, That when the new seat of justice shall be selected and located as herein provided, then and in that case the county seat of McNairy county shall be removed from Purdy to said designated place or

*Removal of  
county seat  
and sale of  
public build-  
ings.*

location, and the County Court of said county is hereby authorized to sell the public buildings at Purdy, and provide the necessary public buildings at the new seat:

*Provided*, that the public buildings at the new seat shall not cost the county more than the proceeds of the sale of the public buildings at Purdy: *And provided further*, that the public buildings at the new seat shall not cost less than eight thousand dollars.

Records.

*Obligations,  
bonds and pro-  
cess.*

SEC. 8. *Be it further enacted*, That if said county seat shall be removed, as herein provided for, then, and in that event, all the records of the various Courts and county offices at Purdy shall be removed to the new county seat, and stand and be in the same plight and condition as before their removal, and all obligations, bonds, recognizance and process previously issued and executed shall have the same force and effect at the new county seat as though it had remained at Purdy.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH N. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CXLVIII.

**AN ACT** to attach the lands of Reuben Whitson, W. W. Pippin, W. C. Rector, that now lie in Jackson county, to the county of Putnam.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the lands of W. W. Pippin, Reuben Whitson and W. C. Rector, that now lie in Jackson county, Tennessee, be attached to the county of Putnam, and to include the same, that the line of said counties be changed as follows: beginning on said county line, where the line of the lands of said W. W. Pippin, crosses said county line, and running northwardly with his line to where the same intersects the line of Reuben Whitson, and then with the line of his lands to where the same intersects the line of the lands of W. C. Rector, and with his line to where the same crosses said county line.

**SEC. 2.** *Be it further enacted,* That this Act shall not be so construed as to release the taxes on said lands described in the first section of this Act, from being accounted for by the county of Putnam to the county of Jackson until the present liabilities of said Jackson county are discharged.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 26, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER CXLIX.

**AN ACT to change the lines between the counties of Hawkins and Grainger.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That the line between the counties of Hawkins and Grainger be so changed as to detach the farm of Anderson Mullens from Hawkins county and attach the same to Grainger county.

**SEC. 2. *Be it further enacted,*** That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

**HUGH M. McADOO,**  
*Speaker of the Senate.*

Approved March 26, 1877.

**JAS. D. PORTER,**  
*Governor.*

## CHAPTER CL.

**AN ACT to amend subsection 11 of section 454 of the Code of Tennessee.**

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That subsection eleven (11) of section 454 of the Code of Tennessee be amended so as to read: "To demand and collect the same tax that is now collected by Clerks on deeds, on all deeds sent to him from other counties, States or Territories of the Union, or foreign countries, for registration, and pay the same to the Clerk of the County Court.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLI.

**A N ACT** to change the time of holding the Chancery Court of Sullivan County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancery Court of Sullivan county shall be held on the second Mondays in June and December instead of the third Mondays in May and November, the time fixed by law.

SEC. 2. And the public welfare requiring it, this Act shall take effect from and after its passage.

Passed March ,23 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLII.

**AN ACT** to amend the charter of the town of Franklin, in the county of Williamson, State of Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the act of the Legislature of the 9th of October, 1815, incorporating the inhabitants of the town of Franklin, county of Williamson, State of Tennessee, section 6 be so amended as to read: The town shall be laid off by the present Board of Mayor and Aldermen into three wards, and at the next regular election the Mayor shall be elected by the people directly, and the person receiving the highest number of votes shall be the Mayor, he being qualified according to law; and that two Aldermen shall be elected to serve in each ward, the two receiving the highest number of votes, they being qualified according to existing laws, shall serve as Aldermen for the ensuing year; and that this act take effect from its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLIII.

**AN ACT** to amend section 8 of an act incorporating the town of Bartlett, approved December 13, 1866.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 8 of an act incorpo-

rating the town of Bartlett, approved December 13, 1866, be amended so as to read: The corporate limits of said town of Bartlett shall begin at the east end of the bridge over Bartlett's spring branch, in the center of the Memphis and Somerville road; thence south to the south side of Ferguson avenue; thence east with said avenue to the intersection of Hurricane creek; thence north and northeast with the west bank, with the meanderings of said creek, crossing the Memphis and Somerville road and the Memphis and Louisville railroad, to the intersection of North street; thence west with said street to the Bartlett spring branch; thence south with said branch to the beginning. This act to take effect from and after its passage.

Passed February 22, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## CHAPTER CLIV.

**A**N ACT to provide for the increase and diminution of the powers of municipal corporations having a population of not less than twenty thousand nor more than fifty thousand inhabitants, passed March 22, 1875.

**S**ECION 1. *Be it enacted by the General Assembly of the State of Tennessee, That section 12 of an act entitled An Act to provide for the increase and diminution of the powers of municipal corporations having a population of not less than twenty thousand nor more than fifty thousand inhabitants, passed March 22, 1875, be and is hereby amended so as to confer the power to make and repair sidewalks on municipal corporations having a population of not less than five thousand nor more than fifty thousand inhabitants.*

**Taxes on city  
farming.** SEC. 2. *Be it further enacted*, That it shall not be lawful for any municipal corporation to levy or collect taxes on any lot of land containing two or more acres lying within the limits of said corporation, and used exclusively for agricultural purposes, except to the same extent as lands of the same grade are assessed and taxed in the county, and not as lots of ground in the corporation.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLV.

### AN ACT to change the line between the counties of Giles and Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lines between the counties of Giles and Lawrence be so changed as to include within the boundaries of the fourth civil district of Lawrence county the lands now situated in the eighteenth civil district of Giles county, of James Harwell, Thomas M. Kelly, Catharine Hughes, Elvira Scott and John M. Berry, and also a one hundred acre tract of land belonging to A. J. Hannah, lying between the lands of the said James Harwell and Thomas M. Kelly; *Provided*, that the line thus designated is not nearer than eleven miles to the court-house of Giles county.

SEC. 2. *Be it further enacted*, That this act take

effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLVI.

**A N ACT to change the boundary line between the counties of Rutherford and Williamson.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the east boundary line of Williamson county be so changed as to include in Williamson county the following lands, which are now in Rutherford county, viz: Beginning at the northeast corner of the land of W. T. Wood; thence between the land of Wood and John Haley and J. B. Critchlow, leaving in Williamson county the lands of Wood now in Rutherford; thence between lands of K. P. Barrett and J. B. Critchlow, leaving in Williamson county the lands of Barrett now in Rutherford; thence between the lands of S. L. Covington and J. B. Critchlow, leaving in Williamson the lands of Covington now in Rutherford; thence between the lands of heirs of N. McCord's toll-gate lot and land of J. M. Haley, along present line to Big Harpeth river; thence up said river to the line between the lands of M. A. Campbell and J. C. Anderson, leaving Anderson's lands in Williamson county; thence between Anderson, heirs of I. Belenfont, W. D. Patton, and J. P. Allison, of Williamson, and — Zaney, W. C. Jordan, Joseph Jones, of Rutherford, to Mrs. M. W. Jordan's northeast corner; thence between Mrs. M. W. Jordan and Chesly Williams and William McMeeken,

leaving lands of Mrs. Jordan in Williamson, and lands of C. Williams and William McMeeken in the county of Rutherford.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLVII.

AN ACT to change and establish the line between the counties of Wayne and Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between the counties of Wayne and Lawrence be so changed as to run as follows: Beginning at a point where the Lawrenceburg, Wayland Springs and Florence road crosses the line between said counties of Wayne and Lawrence, thence in a southwesterly direction with the center of said road to the north boundary line of the State of Alabama, so as to include within the limits of said county of Lawrence all the territory south and east of said road lying in the State of Tennessee.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

HUGH M. MCADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLVIII.

**AN ACT** allowing to the owners of turnpikes further time to complete the repairs required of them as purchasers under an act entitled "An Act to sell the State's interest in turnpikes and plank roads, and to carry into effect the act of March 12, 1860, and to increase the revenue of the State."

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any person or persons purchasing any turnpike or plank road, or accepting the State's relinquishment of interest in the same, under and by virtue of an act passed March 21, 1873, entitled "An Act to sell the State's interest in turnpikes and plank roads, and to carry into effect the act of March 12, 1860, and to increase the revenue of the State," are allowed two years in addition to the three years specified in the second section of said act, to complete the repairs of any road so purchased by him or them.

**SEC. 2.** *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLIIX.

**AN ACT** to apportion the rent in case of death of tenant for life, and to enable personal representatives of latter to sue.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, where a tenant for life of real estate shall create a lease out of his said

estate for one or more years, and shall die before the expiration of said lease, and before the term fixed for the payment of the rent, the rent may be apportioned, and the executor or administrator of said tenant for life may recover of the lessee pro rata according to the contract and for the time said lessee had the use of the property until the death of said tenant for life.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLX.

AN ACT to regulate medical attendance upon all prisoners confined in jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the county courts of this State shall alone have the power, and it shall be their duty, to provide medical attendance upon all prisoners confined in jail in their respective counties; and the county courts shall allow the county jail physician such compensation, to be paid by their respective counties, as may be agreed upon between the several counties and the attending jail physicians.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act be and are hereby repealed; *Provided,* that nothing in this act shall not be construed as impairing or changing any existing contract with physicians of county jails. And that this act shall

*Actual contracts not changed.*

take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLXI.

AN ACT to repeal an Act passed March 24th, 1875, entitled "An Act to authorize the Chancellor of the third Chancery Division to hold the Circuit Court for Hamilton County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed 24th March, 1875, entitled "An Act to authorize the Chancellor of the third Chancery Division to hold the Circuit Court of Hamilton county," be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the Circuit Court for Hamilton county shall be held by the Judge of the fourth Judicial Circuit, at the times prescribed by the laws in force prior to the passage of said Act of March 24, 1875.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after the first day of June, 1877, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXII.

AN ACT to amend an Act entitled "An Act for the preservation and protection of Game in the Counties of Montgomery, Robertson, Davidson and Maury."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 22, 1873, and approved March 24, 1873, entitled "An Act for the preservation and protection of game in the counties of Montgomery, Robertson, Davidson and Maury," be so amended as to include the county of Lincoln within the provisions of said Act.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLXIII.

AN ACT to change the County Line between the Counties of Monroe and Loudon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Monroe and Loudon be changed so as to include in Monroe county all the lands of W. J. Fowler.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.  
Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLXIV.

**AN ACT** to amend the 44th Section of an Act entitled "An Act to incorporate the Memphis Real Estate Association, and for other purposes," passed February 24, 1870.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the 44th section of an Act passed February 24th, 1870, entitled "An Act to incorporate the Memphis Real Estate Association, and for other purposes," be so amended as to exclude from the boundary of the town of Jasper all that part of the "Indian or Elizabeth Park Reservation," which lies south and west of Town Creek.

**SEC. 2.** *Be it further enacted,* That this Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*  
HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXV.

AN ACT to change the line between the Counties of Williamson and Marshall.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Williamson and Marshall be changed so as to include within the 22d district of Williamson county the dwelling and all out houses of W. O. Smithson and N. J. Wood, and the tracts of land on which the same is located, and fifty acres of land belonging to the home track of G. R. Tucker, which is cut off by the county line to Marshall county.

SEC. 2. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.  
Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXVI.

AN ACT providing that the Judge of the 10th Judicial Circuit shall hold the Circuit Courts of Sumner and Houston Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Judge of the Circuit Court for the 10th Judicial Circuit, shall hold the Circuit Court of Sumner county, the same as he did before the Act authorizing the Judge of the Law Court of Nashville to hold said Court.

SEC. 2. *Be it further enacted*, That the Circuit Judge of the 10th Judicial Circuit shall hereafter hold the Circuit Courts of the county of Houston, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXVII.

AN ACT to extend the corporate limits of the Town of Gainesboro, in Jackson County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Gainesboro be so extended as to include as much of the lands of William G. Cox, Elijah Stamps and James Stamps, as lies between the south boundary line of the town of Gainesboro and Gibson's branch; also the masonic property adjoining and on the north boundary line of the town of Gainesboro.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXVIII.

### AN ACT to change the County Line between Rutherford and Williamson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Rutherford and Williamson be changed as follows: Beginning where the Rutherford and Williamson county line intersects the road from Windrow's Church to near the forks of the Unionville, Nolensville and Farmington pike; thence west with said road to Henry H. Pate's south-west corner; thence north with the west boundary line of Henry H. Pate and Henry C. Allen to the road from Murfreesboro to Thomas Redman's on the Unionville and Nolensville pike; thence west with said road to J. B. Jordan's south-west corner; thence north with said Jordan's west boundary line to the road from Coleman Jordan's to Triune; thence east with said road to the original county line between Rutherford and Williamson.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXIX.

**AN ACT** to repeal Section 23 of Chapter 59 of the Private Acts of 1869-70, entitled "An Act to incorporate the town of Maynardville, and for other purposes," passed February 17, 1870, and to repeal the charter and abolish the incorporation of the town of Loudon, Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 23 of chapter 59 of the Private Acts of 1869-70, entitled "An Act to incorporate the town of Maynardville, and for other purposes," passed February 17, 1870, and all other Acts conferring corporate powers on the town of Loudon, in Tennessee, be, and the same are hereby repealed.

**SEC. 2.** *Be it further enacted,* That the charter of the town of Loudon, Tennessee, be, and the same is hereby repealed, and the incorporation of said town abolished.

**SEC. 3.** *Be it further enacted,* That the Mayor and other officers of said town shall, within thirty days after the passage of this Act, deposit all books, records and papers belonging to their respective offices, with the Clerk of the County Court of said county for safe keeping, and said Clerk shall keep said books, records and papers as other county records are kept.

**SEC. 4.** *Be it further enacted,* That this act shall take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO.  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## CHAPTER CLXX.

**AN ACT to provide for the lease and management of the Penitentiary.****Board of Inspectors.****Lease****Minimum.****Treatment and classification of prisoners.****Guards.****Duties of the Warden.**

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That the Secretary of State, Treasurer, and Comptroller are hereby appointed a Board of Inspectors of the Penitentiary of the State of Tennessee.

**SEC. 2. Be it further enacted,** That it shall be the duty of the Governor, who shall call to his assistance the Board of Inspectors as above constituted, to lease the penitentiary and labor of all the convicts that may then or hereafter be confined, with the penitentiary buildings, quarry, grounds, fixtures, machinery, tools, engines, patterns, etc., for the term of six years from the first day of August, 1877. But no lease shall be made in which the hire and rental secured shall be less than the sum of \$50,000 clear of all expenses on any account to the State, per annum, and save the State from all expense incident to the maintenance thereof.

**SEC. 3. Be it further enacted,** That such lease shall provide that the lessee or lessees shall treat the convicts with humanity, conforming to such by-laws and regulations as may be established by said Board of Inspectors; that the State shall have the right to classify the prisoners into such classes as the Superintendent and Board of Inspectors may deem best, considering the nature of the crime, age, moral and physical condition of the convicts; and said officers may adopt just and proper rules in relation to such convicts, for their improvement and reformation in morals and religion, but such regulations shall not interfere with the safe keeping of said convicts that are to be governed, controlled, and disciplined by the Warden and Assistant Warden; and the guards shall be appointed and discharged by the State Superintendent, and in his absence the Warden may appoint or discharge guards, subject to his approval. The Warden shall be charged with the duty now imposed upon him by law, and the provisions of this Act, of treating the prisoners with humanity and kindness, and protecting them from harsh and cruel treatment and overwork, and of exacting from them the performance of the service and labor to which they are bound by the provisions of this Act, the number of guards to be regulated by the Superin-

tendent, Warden, and Inspectors, and in every case shall be sufficient to insure the safe keeping of the prisoners and convicts. And the works of said convicts shall not exceed nine hours each day; Sundays excepted, from the 15th of November to the 15th of March, and ten and one-half (10 $\frac{1}{2}$ ) hours each day from the 16th of March to the 15th of November of each year of any lease or leases that may be made under the provisions of this Act; *Provided*, that the convicts shall not be worked on Sunday.

SEC. 4. *Be it further enacted*, That said lease shall provide that said lessee or lessees shall have no claim for damages or deductions against the State because of the exercise of the pardoning power of the Governor, or by reason of any change in the criminal laws of the State, nor for escapes, sickness, or loss of prisoners, fire, or for any other casualty whatever.

SEC. 5. *Be it further enacted*, That all the walls, buildings, and permanent erections of every kind, in or about the prison, belonging thereto, are to be kept and maintained as a State prison in the condition in which they now are, and in repair at least equal to that in which they are delivered, at the expense of the lessee or lessees, and to be redelivered in that condition, and that the State shall not be liable to replace any part thereof which may be destroyed by fire or casualty, and that the lessee or lessees shall not be liable for any such loss of buildings or permanent machinery without blame on their part, but that no loss by fire or other casualty shall release the lessee or lessees from the payment of any part of the hire *Loss by fire.* or rental by them to be paid; but in case of the destruction of shops, buildings or machinery, the Board of Inspectors may have others erected, or the lessee or lessees be allowed to remove the convicts from the main to the branch prisons, and work them there.

SEC. 6. *Be it further enacted*, That prior to the expiration of the present lease, it shall be the duty of the Superintendent and Board of Inspectors (who may employ a skilled mechanic to assist them) to take inventories and descriptive schedules, with condition and value attached, of the property, engines, machinery, fixtures, tackle, hands, tools, implements, patterns, etc., furniture, desks, scales, elevators, and all other property belonging to the penitentiary, a copy of which shall be filed with the Secretary of State; and the same articles of like description and value in as good condition and repair as when turned over by the State, under any lease or leases that may be made under the provisions of this Act to said lessee or

lessees, shall be by them redelivered to the State at the expiration of the lease.

**Lessees to pay all expenses**

SEC. 7. *Be it further enacted*, That all prison expenses of every kind now by law or under the provisions of this Act, chargeable upon the prison, shall be paid by the lessee or lessees, excepting only the salaries of the Superintendent, Warden, Assistant Warden, Surgeon and Chaplain, and the said lessee or lessees shall furnish all the supplies, food, clothing, tobacco, medical supplies, and all other outlays as now required by law or by the provisions of this Act, for the prisoners, promptly on the requisition of the Superintendent, Warden, or Assistant Warden.

**Rewards.** SEC. 8. *Be it further enacted*, That said lessee or lessees shall, on the escape of any prisoner, be liable to pay such reward as the Governor may offer, not to exceed twenty-five dollars for each, and all of the expenses otherwise incurred (including advertising) in the capture and delivery of such prisoners to the prison or its officers.

**Where convicts shall work.** SEC. 9. *Be it further enacted*, That the lessee or lessees will be permitted to work the convicts at any place in the State of Tennessee, subject to the rules and regulations provided in this Act, and otherwise provided for by law, and they shall have full control of the place, character and kind of work or labor in which the convicts shall be employed. But if the convicts are to be employed in any new species of labor other than such as has been heretofore done by them, the same shall be subject to restrictions by the General Assembly of the State of Tennessee; *Provided*, it is found to be prejudicial to the public property or the good of the convicts; *Provided*, that not less than fifty convicts shall be worked at any one place, unless in a coal or ore mine.

**Privies.** SEC. 10. *Be it further enacted*, That the lessee or lessees, at their own expense, shall provide necessary privies for each and every prison where convicts are confined, and shall keep the same deodorized and disinfected by dry earth or otherwise, and remove all excrements once every week in a manner that shall not be injurious to the sanitary condition of the neighborhood in which said prison is situated.

**Bond of lessees** SEC. 11. *Be it further enacted*, That said lessee or lessees shall give bond, with approved security, that he or they will faithfully pay into the State treasury, in United States currency, quarterly, the price agreed upon for said labor and the rental of said penitentiary, and to perform all the requirements imposed by the provisions

of the lease herein provided for, and should said lessee or lessees fail, neglect, or refuse to make such payment, or to perform any or all of the duties or obligations required of him or them under his or their said lease, or should said lessee or lessees, or any agent of his or theirs, knowingly and willfully treat the prisoners or convicts cruelly or inhumanly, and continue so to do after official notice from the Superintendent or Board of Inspectors, then the Governor and Board of Inspectors may declare said lease at an end, and re-enter and take possession of said penitentiary and the custody and control of the convicts, and the same release as herein provided, for the unexpired term of the lease prescribed in this Act, and for any loss or damage the State may sustain because of such failure, neglect or refusal on the part of the lessee or lessees, a recovery may be had on his or their bond hereinafter required, in any of the courts of this State having competent jurisdiction.

Inhuman treatment prohibited.

**SEC. 12.** *Be it further enacted,* That any pending litigation or suit between the State and lessee or lessees, the State shall be entitled to the management and control of said penitentiary and convicts, any injunction to the contrary notwithstanding.

**SEC. 13.** *Be it further enacted,* That the police management and control of the steam power located in said penitentiary when leased, shall be under the control of <sup>Control of steam power.</sup> the Board of Inspectors, Superintendent, and Warden as fully as if no lease had been made.

**SEC. 14.** *Be it further enacted,* That no convicts under sentence now, or that may be hereafter sentenced for the crimes of murder or rape, shall be leased or hired to work outside the prison bounds of the penitentiary, unless by the consent of the Inspectors upon the written request of the Warden.

Restrictions on convicts for rape and murder.

**SEC. 15.** *Be it further enacted,* That the Superintendent shall keep a correct register of the conduct of each convict, to be termed, "The good time account," in which he shall faithfully record the exact conduct of each convict, and each convict who shall demean himself uprightly shall have deducted from the time for which he may have been sentenced one month for the first year, two months for the second year, three months for each subsequent year to the tenth year inclusive, and four months for each remaining year of the time of imprisonment; *Provided*, That the reduction of time herein provided for is upon the consideration of continued good conduct.

Register of good behavior.

**Reserved powers.** SEC. 16. *Be it further enacted,* That any of the powers reserved in such lease or vested by law in or to be exercised by said Board of Inspectors, or other officer or body, may be exercised by him or them, or their successors in office, or by such other officer or authority as the General Assembly may at any time during the continuance of said Board vest with said authority.

**Advertising for bids to lease.**

**When bidding is not satisfactory.**

**Bond of lessees.**

**Report of escaped convicts.**

**Officers.**

SEC. 17. *Be it further enacted,* That the Governor, before the lease can be made, shall cause the Secretary of State to advertise for thirty days in three newspapers, one published in each division of the State, and in one newspaper in each of the cities of New York, Louisville, and New Orleans, for sealed proposals for the taking of said lease, which proposals shall be filed with the Secretary of State, and at the expiration of the thirty days by him opened in the presence of the Governor and Board of Inspectors, and the proposal for the payment of the highest rental and hire from responsible bidders shall be accepted, if satisfactory to the Governor and Inspectors. But if the bidding is not satisfactory to the Governor in the price offered for the labor, or in other respects, he shall not be bound to accept the same, and may advertise the second time, and if the result is still unsatisfactory, then he may proceed by and through the Superintendent to hire out the labor, making contracts for as long a period as possible, not exceeding six years. The Governor and Inspectors shall require of the lessee or lessees a bond with approved securities, in the sum of not less than one hundred thousand dollars, the form of the bond and sufficiency of the securities to be determined by the Governor and Inspectors for a strict obedience of the provisions of this Act, and the Governor and Inspectors shall (should any necessity arise demanding it) require the renewal of the said bond, with such additional amount and securities added as they may determine to be necessary.

SEC. 18. *Be it further enacted,* That the Superintendent shall report to the Governor and Board of Inspectors biennially the number of escaped convicts, and the particular facts and circumstances attending the escape of each convict.

SEC. 19. *Be it further enacted,* That the officers for the government of the penitentiary shall be three Inspectors, one Superintendent, one Warden, one Assistant Warden, who shall be book keeper and clerk, one physician, one chaplain, and as many assistant keepers as the Inspectors may from time to time think necessary.

SEC. 20. *Be it further enacted,* That the Superintendent,

Warden, Assistant Warden, Physician and Chaplain shall ~~Governor to appoint officers.~~  
be appointed by the Governor, and said Inspectors shall fix the salaries of the Superintendent, Warden, Assistant Warden, Surgeon and Chaplain; *Provided*, the salary of the Superintendent shall not exceed twenty-five hundred dollars per annum, that of the Warden shall not exceed one thousand dollars per annum, that of the Assistant ~~Salaries.~~  
Warden shall not exceed eight hundred dollars per annum, that of the Surgeon shall not exceed one thousand dollars per annum, and that he should be required to live within one-half mile of the prison, and that of the Chaplain shall not exceed three hundred dollars per annum.

SEC. 21. *Be it further enacted*, That the Board of Inspectors, and all other officers employed to control and manage the penitentiary for the State shall, before entering upon the discharge of their respective duties, take the prescribed oath in section 5453 of the Code. The Superintendent shall execute bond and subscribe to the oath as provided in section 5559e, sub-section 2, of the supplement to the Code, and that the Warden and guards shall perform the duties and subscribe to the oath as provided in sub-section 8 of said section.

SEC. 22. *Be it further enacted*, That the Board of Inspectors created in the first section of this Act shall perform all the duties required of those in this Act, also such other duties as may be prescribed in section 5454 to 5461 inclusive, of the Code, without additional compensation.

SEC. 23. *Be it further enacted*, That the Superintendent shall devote his time exclusively to the duties of his office, as provided in this Act and prescribed by law. He shall visit all branch prisons, and such other points, in the State where the prisoners or convicts may be located by authority of this Act, once in two months, and if possible once each month. He shall, while on such visits, carefully inspect the prisons, rooms and cells, hospitals, dining rooms; kitchen, etc., and shall see that each be kept in good order, free from dirt and filth; that the sanitary condition of the prisons, rooms, cells and hospitals are such as will promote health. He shall plan and direct the construction of the prisons, rooms and cells, so as to prevent the escape of the prisoners or convicts. He shall see that the convicts are provided with a sufficient supply of bedding for health and comfort, and shall see that the beds and bed clothing be kept clean and aired well. He shall require the Warden and keepers to perform strictly all the duties required of them

*Oath of Inspectors, officers, guards, etc.*

*Compensation of Inspectors.*

*Duties of Superintendents.*

in this Act and by law. He shall require them to see that each convict is provided with the following articles of good and wholesome food as each day's rations, viz: an ample supply of bread, three-quarters of a pound of bacon, or one pound of pork, or one and a half pounds of beef, and such quantity of coffee, sugar, molasses and vegetables as are now provided by law. He shall require the Wardens and keepers to see that the convicts keep themselves clean, and change their clothing at least once each week, and if necessary for health, change oftener than once a week.

## Rations of convicts.

## Cleanliness.

**SEC. 24.** *Be it further enacted,* That the lessee or lessees shall, upon the order of the Superintendent, Warden or keepers, furnish such articles of clothing as are now provided by law.

## Duties of physician.

**SEC. 25.** *Be it further enacted,* That the physician, in addition to his duties now prescribed in section 5484 of the Code, shall, from the 15th of November to the 15th of March, visit the prison each day at the hour of 7 o'clock A. M., and examine the physical condition of the convicts, and pass upon their ability to labor. If unable to work, he shall direct that they be returned to their cells or to the hospital. From the 15th of March to the 15th of November he shall visit the prison at the hour of 6½ o'clock A. M. each day for the purpose mentioned above.

Wardens—  
their duties.

**SEC. 26.** *Be it further enacted,* That the Warden, Assistant Warden and keeper shall be subject to the orders and controlled by the Inspectors and Superintendent, as provided for by this Act by law, and such rules and regulations as may be adopted by said Inspectors and Superintendent. It shall be the duty of the Warden, Assistant Warden and keepers, by the direction of the Inspectors or Superintendent, to perform all duties required of them. They shall report all acts of cruelty or inhumanity inflicted upon the prisoners or convicts by the lessee or lessees, to the Inspectors or Superintendent, who shall notify the lessee or lessees that the continuance of such cruel and inhuman treatment will subject them to a forfeiture of his or their lease, as provided for in section 11 of this Act.

Branch pris-  
ons.

**SEC. 27.** *Be it further enacted,* That the lessee or lessees shall be required to erect safe, secure and comfortable buildings or places of confinement for the safe keeping of all prisoners or convicts that may be removed from the main prison to any place in the State, as provided for in this Act, to be put at labor in mines, on

railroads, on farms, or with the consent of the Governor and Inspectors, any other kind of labor. They shall also provide hospital rooms or apartments for the sick; also a competent physician. They shall supply such medicine as may be necessary or may be required by the physician for the sick, as provided for in section 7 of this Act.

SEC. 28. *Be it further enacted*, That any Warden, Assistant Warden, keeper or guard, by his or their misconduct or negligence, allow, permit, or suffer any prisoner or convict to escape, or receive from the lessee or lessees any gifts, present or rewards, he or they shall be discharged at once, and forfeit all salaries or wages that may be due him or them for his or their services, at the direction of the Superintendent: *Provided*, that the Warden and Assistant Warden of the main prison shall not be removed without the concurrence of the Governor.

Removal of  
officers or  
guards for mis-  
conduct.

SEC. 29. *Be it further enacted*, That it shall be the duty of the lessees to receive the convicts at the place of conviction, and transport them to the State Penitentiary or one of the branch prisons established by the lessees, free of any charge whatever to the State, and if said lessees shall fail or refuse, for five days after notification, to transport such convicts, they shall be transported to the State's Penitentiary, as now provided by law, but the amount actually paid by the State for transporting them, shall be refunded by the lessees to the State, as well as any sum paid by the State in guarding the convicts after final judgment has been pronounced against them, and the bond required of the lessees under this Act shall embrace this liability, and that section 5264 of the Code, so far as the same is in conflict with this section, be and the same is hereby repealed, and when the term of service of the convict expires, he shall not be brought back to the Penitentiary to be liberated, but shall be set free at his place of work, and shall be furnished by the lessees with a substantial and comfortable suit of clothes and transportation to the place of conviction, or to the nearest point accessible by public conveyances, and that at the adjournment of any Court, or the disposal of the criminal docket, it shall be the duty of the Clerk of the Court to notify the lessees of the number of convicts for the Penitentiary: *Provided*, that in counties where, because of the insufficiency of the county jail, or for any other cause the Court may be of opinion that the safe keeping of the convicts may require it, the Court may

[Transporta-  
tion of new  
convicts.]

Convicts lib-  
erated at expi-  
ration of sen-  
tence.

order the immediate removal of convicts to the Penitentiary at the lessees' cost, before the expiration of the time allowed by the lessees to remove such convicts.

SEC. 30. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be and are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO.  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## CHAPTER CLXXI.

AN ACT to defray the current expenses of this session of the General Assembly, and to defray the current expenses of the State Government for the next two years and three months.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee* That the Comptroller issue his warrant to each member of the Senate and House of Representatives for the sums staced to be due in the annexed report of the Committee on Finance.

SEC. 2. *Be it further enacted*, That the Comptroller issue his warrant to the officers of the Senate and House of Representatives for the sums stated to be due each in annexed report of the Committee on Finance.

## FORTIETH GENERAL ASSEMBLY.

## HOUSE OF REPRESENTATIVES.

## ROLL OF MEMBERS AND OFFICERS.

NAMES.	No. Miles.	Mileage.	No. Days.	Per Diem.	Total.
R. N. Baker.....	582	\$93 12	75	\$300	\$393 12
M. D. Bearden.....	526	84 16	75	300	384 16
J. J. Boon .....	359	57 44	73	292	349 44
N. Brandon .....	210	33 60	75	300	333 60
M. M. Brien, Jr.....			75	300	300 00
Campbell Brown.....	64	10 24	73	292	302 24
J. K. Brown.....	420	67 20	75	300	367 20
J. Lee Bullock .....	90	14 40	72	288	302 40
S. D. Brooks .....	650	104 00	75	300	404 00
W. W. Coleman.....	480	76 00	75	300	376 80
Wm. Cannon.....	452	72 32	73	292	364 32
W. A. Collier .....	464	74 24	73	292	366 24
W. N. Cowden.....	166	26 56	62	248	274 56
W. K. Donnelly.....	825	132 00	74	296	428 00
G. W. Day.....	300	48 00	73	292	340 00
H. L. Douglass .....	484	77 44	75	300	377 44
H. Denton .....	160	25 60	75	300	325 60
W. L. Duggan.....	600	96 00	75	300	396 00
C. B. Dodson.....	236	37 76	74	296	333 76
A. B. Enloe.....	334	53 44	75	300	353 44
J. S. Frazer.....			75	300	300 00
T. J. Fisher, Sr.....	100	16 00	74	206	312 00
J. J. Ford ..	100	16 00	73	292	308 00
A. A. Freeman .....	350	56 00	55	220	276 00
R. P. Frierson.....	128	20 48	75	300	320 48
N. Gregg.....	786	125 76	75	300	425 76
J. W. Goodwin.....	240	38 40	75	300	338 40
J. K. Garner.....	188	30 08	75	300	330 08
George W. Graham .....	610	97 60	75	300	397 60

**ROLL OF MEMBERS AND OFFICERS OF THE HOUSE OF  
REPRESENTATIVES—Continued.**

NAMES.	No. Miles.	Mileage.	No. Days.	Per Diem.	Total.
J. R. Goodpasture.....	200	32 00	75	\$300	332 00
I. M. Hill.....	464	74 24	69	276	350 24
M. H. Hancock.....	412	65 92	75	300	365 92
W. C. Houston.....	100	16 00	73	292	308 00
L. L. Hawkins.....	212	33 92	67	268	302 92
G. W. Hanes.....	216	34 50	75	300	334 50
O. F. Hendrick.....	350	56 00	75	300	356 00
H. T. Johnson.....	300	48 00	75	300	348 00
M. F. Jerolds.....	704	112 64	74	296	408 64
S. A. Key .....	300	48 00	73	292	340 00
John Lytle.....	75	12 00	75	300	312 00
Ab. L. Landis.....	122	19 50	71	284	303 60
T. C. Lowe.....	464	74 24	73	292	366 24
Jacob Leech.....	80	12 00	75	300	312 00
R. J. Lawrence.....	210	33 60	75	300	333 60
F. M. Lavender .....	40	6 40	74	296	302 40
W. E. Kindrick .....	522	83 52	75	300	383 52
M. S. Mahoney.....	720	115 20	71	284	399 00
J. A. Manson.....	532	85 12	73	292	377 12
O. Pink McCannon.....	558	89 28	73	292	381 28
T. B. McElwee .....	418	66 88	74	296	362 88
J. C. McAndrew.....	625	100 00	75	300	400 00
Tom W. Neal .....	404	64 64	75	300	364 64
W. H. Nelson .....	464	74 24	75	300	374 24
J. R. Oliver.....	154	24 64	74	296	320 64
John Overton .....			75	300	300 00
James Oldham.....	400	64 00	75	300	364 00
Pete T. Phillips.....			75	300	300 00
Geo. B. Peters.....	464	74 24	73	292	366 29
Geo. C. Porter.....	360	57 60	75	300	357 60
H. H. Perry .....	450	72 00	72	288	360 00
J. S. Quarles .....	150	24 00	75	300	324 00
Jesse L. Rogers .....	666	106 50	75	300	406 50
J. H. Savage .....	208	33 24	75	300	333 24
J. F. Stokes.....	60	9 60	75	300	309 60
Charles G. Smith.....	124	19 84	74	296	315 84
Lewis Shepherd.....	302	48 32	75	300	348 32
C. B. Simonton .....	540	86 40	70	280	366 40

**ROLL OF MEMBERS AND OFFICERS OF THE HOUSE OF  
REPRESENTATIVES—Continued.**

NAMES.	No. Miles.	Mileage.	No. Days.	Per Diem.	Total.
W. P. Tolley.....	264	42 00	74	296	338 00
J. R. Thomason .. .	268	42 88	75	300	342 88
W. E. Travis.....	282	45 12	75	300	345 12
E. O. Tate.....	632	100 80	75	300	400 80
B. M. Tillman.....	425	68 00	75	300	368 00
S. F. Wilson .....	50	8 00	73	292	300 00
J. E. Washington.....	58	9 28	75	300	309 28
E. T. Taliaferro, Speaker	160	25 60	75	450	475 60
Eth. B. Wade, P. C.....			75	450	450 00
S. B. Sherrill, A. C.....			75	450	450 00
T. C. Long, E. C.....			75	450	450 00
W. A. Lowe, S. A.....			74	296	296 00
H. T. Prater, A. S. A....			75	300	300 00
Jo. Alexander, Porter....			75	225	225 00
L. Jones, Ass't Porter....			75	225	225 00

## FORTIETH GENERAL ASSEMBLY.

## SENATE—ROLL OF OFFICERS AND MEMBERS.

NAMES.	No. of Miles.	Mileage.	No. of Days.	Per Diem.	Total.
Jesse Arlege.....	164	\$ 26 24	75	\$300	\$326 24
F. P. Cahill.....			75	300	300 00
J. H. Carson.....	600	96 00	75	300	396 00
H. A. Chambers.....	468	74 88	75	300	374 88
T. D. Deavenport.....	192	30 72	75	300	330 72
L. H. Denny.....	783	125 28	75	300	425 28
J. C. Flanders.....	536	85 76	75	300	385 76
W. D. Fullton.....	24	3 84	75	300	303 84
A. E. Garner.....	58	9 28	75	300	309 28
A. G. Hawkins.....	214	34 24	75	300	334 24
R. P. Lloyd.....	360	57 60	75	300	357 60
S. C. Maddux.....	480	76 80	75	300	376 80
D. D. Maney .....	60	9 60	75	300	309 60
G. W. Martin.....	280	44 80	75	300	344 80
W. A. Milliken.....	600	96 00	75	300	396 00
F. B. Ragland.....	360	57 60	75	300	357 60
A. R. Reid.....	385	61 60	75	300	361 60
J. Q. A. Remine.....	710	113 60	75	300	413 60
S. L. Ross.....	286	45 76	75	300	345 76
H. S. Sheid.....	180	28 80	75	300	328 80
H. G. Smith.....	464	74 24	73	292	366 24
R. E. Thompson.....	60	9 60	75	300	309 60
J. A. Trousdale.....	50	8 00	75	300	308 00
L. M. Wester.....	502	80 32	75	300	380 32
H. M. McAdoo (Speaker)	132	21 12	75	450	471 12
J. E. Helms, P. C.....			75	450	450 00
E. W. Hickman, A. C....			75	450	450 00
E. G. Cook, Eng. Clerk..			75	450	450 00
Emily T. Peyton, A. E. C.			8	48	48 00
Archie Thomas, S.-at-A..			75	300	300 00
J. A. Harris, A. S.-at-A.			75	300	300 00
W. B. Scott, Porter.....			60	300	180 00
John Rains, Porter.....			{ 48 2 }	174 00	
John Cook, A. P.....			{ 26 3 }	52 00	
Michael Garrison, W.C.P.			75 3	225 00	

**SEC. 3.** *Be it further enacted,* That the Comptroller issue his warrant in favor of C. C. Plummer for eighteen dollars, (\$18.00), and J. M. McKee for twelve dollars (\$12.00), in payment for services as Assistant Clerk in the organization of the House, and to W. E: Carter for four dollars (\$4.00), as Assistant Sergeant-at-Arms in the organization of the House. Assistants in organizing.

**SEC. 4.** *Be it further enacted,* That the Comptroller issue his warrant in favor of C. C. Plummer for thirty dollars (\$30.00), in payment for services as Journal Clerk, in accordance with House Resolution No. 79. C. C. Plummer

**SEC. 5.** *Be it further enacted,* That the Comptroller issue his warrant to H. T. Prater for the sum of three hundred and fifty-four dollars (\$354.00), for postage stamps furnished the members of the House of Representatives in accordance with House Resolution No. 110. Postage stamps

**SEC. 6.** *Be it further enacted,* That the Comptroller issue his warrant to N. E. Dorente for \$162.00 for 27 days' services as Journal Clerk of the House, in accordance with House Resolution No. 152. N. E. Dorente.

**SEC. 7.** *Be it further enacted,* That the Comptroller issue his warrant to W. E. Travis, T. J. Fisher and Na- than Gregg for ten dollars each, to defray their expenses as members of a committee to visit the East Tennessee University at Knoxville. Committee to E. T. Univer'y

**SEC. 8.** *Be it further enacted,* That the Comptroller issue his warrant in favor of J. L. Gaines for the sum of \$987.50 for money paid out by him during the last two years for extra Clerk hire, which was rendered necessary by the additional labor imposed upon the Comptroller's office by the last General Assembly. Clerk hire to Comptroller.

**SEC. 9.** *Be it further enacted,* That the Principal Clerk of the House of Representatives be directed to remain a sufficient time after the adjournment of the General Assembly, to file properly the papers of the House with the Secretary of State, and that for the above services, and for copying the Journal of the House, and for indexing said Journal and superintending the publication of the same, he shall be allowed in full payment of all said services, the sum of six hundred dollars (\$600.00), and the Comptroller shall issue his warrant for said sum when the said Clerk shall have performed these duties and closed his business. Compensation of Clk of House for copying and indexing Jour.

**SEC. 10.** *Be it further enacted,* That the Comptroller issue his warrant to J. B. Heiskell, Attorney General, for a sum not exceeding one thousand dollars, in payment Expenses of Atty General

of the certified itemized account of his necessary expenses to Washington, as provided in Senate Bill No. 58.

**No advances.** SEC. 11. *Be it further enacted,* That the Comptroller shall in no case issue his warrant to any officer of this State in payment or part payment of his salary, in advance of the services to be rendered by said officer.

**Com. to confer  
with bondholders.**

SEC. 12. *Be it further enacted,* That the Comptroller issue his warrant to J. H. Savage, Lewis Shepherd and W. E. Travis, Representatives, and George W. Martin and Jesse Arlege, Senators, for \$125.00 each, to defray their expenses as a committee to visit New York to confer with the holders of Tennessee bonds, as provided by Senate Joint Resolution No. —.

**Minutes of conference in N.Y.** SEC. 13. *Be it further enacted,* That the Comptroller issue his warrant for twenty-five dollars in favor of Lewis Shepherd, Secretary of the Committee appointed to visit New York, in payment for transcript of the minutes of the meetings and of express charges on transcript.

**C L. Anderson** SEC. 14. *Be it further enacted* That the Comptroller issue his warrant in favor of C. L. Anderson for fifty dollars, the amount paid by him as sheriff of Shelby county, in arresting a fugitive out of the State, as provided by House Joint Resolution No. 149.

**J. B. Johns** SEC. 15. *Be it further enacted,* That the Comptroller issue his warrant to J. B. Johns, Revenue Collector of Rutherford county, for \$75.78, as provided by House Joint Resolution No. 111.

**Jas Sloan & Co**

SEC. 16. *Be it further enacted,* That the Comptroller draw his order on the Treasurer in favor of James Sloan & Co., for one thousand dollars (\$1,000.00), in full compensation for work and labor done on the East Tennessee Hospital, by virtue of the Act to establish additional Hospitals for the Insane, approved March 22, 1873: *Provided*, said James Sloan & Co. will accept the same in full satisfaction of their claims.

**General Expenses.**

SEC. 17. *Be it further enacted,* That to defray the current expenses of the State Government for two years and three months, commencing December 19, 1876, and ending March 19, 1879, the following appropriations are made, for the following purposes and none other, which are to be paid out of the Treasury upon the warrant of the Comptroller, or so much thereof as may become necessary in the administration of the State Government:

	Two years from Dec 19, 1876, to Dec. 19, 1878.	Total for two years to Dec. 19, 1878.	Three months from Dec. 19, 1878.	Total for three months from Dec. 19, 1878.	Total for two years and three months from Dec. 19, 1876.
<b>CRIMINAL PROSECUTIONS,</b> (Costs accrued on behalf of the State.)					
Fees of Clerks, Sheriffs, Magistrates and Witnesses.....	\$190,000	23,750			
" District Attorneys.....	24,000	3,000			
Boarding Juries.....	28,000	3,500			
Jail Fees.....	108,000	350,000	13,500	43,750	393,750
Convicts to Penitentiary.....		12,000			12,000
Lunatics to Asylum.....		1,000		125	1,125
Arresting Fugitives.....		6,000		750	6,750
<b>JUDICIAL SALARIES:</b>					
5 Supreme Court Judges @ \$4,000 per annum.....	40,000		5,000		
12 Chancery " " " 2,500 per annum.....	60,000		7,500		
16 Circuit " " " 2,500 per annum.....	80,000		10,000		
3 Criminal " " " 2,500 per annum.....	15,000		1,875		
2 " " " 1,800 per annum.....	7,200		900		
1 Law " " " 2,500 per annum.....	5,000	207,200	625	25,900	233,010
Special Judges (amount already issued since Dec. 19, 1876).....		1,222			1,222
Attorneys' Fees (amount already is- sued since Dec. 19, 1876).....		2,305			2,305
<b>EXECUTIVE SALARIES:</b>					
Governor @ \$4,000 per annum.....	8,000		1,000		
Comptroller " 2,750 "	5,500		687		
Treasurer " 2,700 "	5,400		675		
Sec'y of State " 1,800 "	3,600	22,500	450	2,812	25,312
Salary of Attorney General and Re- porter @ \$3,000 per annum.....		6,000		750	6,750
Salary of Adjutant General @ \$1,200 per annum, (\$150 extra since Dec. 19, 1876).....		2,550		300	2,850
Salary of Superintendent of Hospital for Insane @ \$3,000 per annum.....		6,000		750	6,750
Salary of State Librarian @ \$1,000 per annum.....		2,000		250	2,250
Salary of State Geologist, (issued since Dec. 19, 1876, on account of two preceding years).....		525			525
<b>OFFICERS OF PENITENTIARY.</b>					
Warden @ \$1,000 per annum.....	2,000		250		
Assistant Warden @ \$800 per annum.....	1,600		200		
Chaplain @ \$300 per annum.....	600		75		
Three Inspectors @ \$72 per annum.... (For Superintendent and Physician, see Sec)	432	4,632	54	579	5,211
<b>HOSPITAL FOR THE INSANE.</b>					
\$55,000 per annum, (\$2,500 extra is- sued on one quarter).....		112,500		13,750	126,250
<b>SCHOOL FOR THE BLIND.</b>					
Annual appropriation \$5,000 (act of March 10, 1868).....	10,000				
\$200 per capita (act of March 9, 1867) pupils estimated at sixty.....	24,000	34,000		3,000	37,000

	Two years from Dec. 16, 1876, to Dec. 15, 1878.	Total for two years to Dec. 19, 1878.	Three months from Dec. 19, 1878.	Total for three months from Dec. 19, 1878.	Total for two years and three months from Dec. 19, 1876.
<b>SCHOOL FOR DEAF AND DUMB.</b>					
Annual appropriation \$5,000 (act of March 26, 1866).....	\$10,000				
\$200 per capita, pupils estimated at 115.....	46,000	\$56,000		\$5,750	\$61,750
<b>LEGISLATIVE EXPENSES.</b>					
Per diem of members.....					
Mileage .....	See Sch edule.				
Per diem of clerks sergeants and employees.....					
Printing, stationery and miscellane- ous.....		6,700			6,700
<b>EXECUTIVE EXPENSE.</b>					
Fees to Secretary of State's office, \$950 per annum.....	1,900		237		
Books, blanks, stationery, job print- ing, postage, telegrams, etc., for the four offices.....	2,840	4,740	355	592	5,332
<b>SUPREME COURT EXPENSE.</b>					
Rent of building at Knoxville, bail- iffs, enrolling opinions, blank-books and stationery.....		8,889		1,111	10,000
<b>LIBRARY EXPENSE.</b>					
\$500 per annum.....		1,000		125	1,125
<b>PUBLIC ARMS EXPENSE.</b>		250		31	281
<b>CAPITOL EXPENSE.</b>					
Day and night watchman, \$600 per annum (\$75 extra since December 19, 1876).....	1,275		150		
Fuel.....	1,400		175		
Gas .....	800		100		
Water tax.....	250		31		
Repairs and contingencies .....	1,200	4,925	150	606	5,531
Express charges on moneys from col- lecting officers .....		2,000		250	2,250
Tax aggregates .....		2,000			2,000
Supreme Court Reports—5 vols .....		10,000			10,000
Publishing Governor's proclamat'ns .....		1,000		125	1,125
Publishing acts in Newspapers.....		550			550
<b>PUBLIC PRINTING.</b>					
Messages of Governor and reports of executive officers and State institu- tions .....	2,500				
Senate and House Journals .....	3,000				
Senate and House Appendixes.....	2,500				
Acts .....	3,000				
Miscellaneous .....	1,000	12,000			12,000
Land sales—clerks' fees .....		20,000			20,000
Bureau of Agriculture, Statistics and Mines .....		16,000			16,000
Capitol grounds expense .....		1,200			1,200
Miscellaneous.....		1,000			1,000

SEC. 18. *Be it further enacted*, That the sum of \$129,020.61 is hereby appropriated out of any moneys in the State treasury, for the payment of all the Comptroller's warrants outstanding December 19, 1876, as shown by his official report to this General Assembly.

SEC. 19. *Be it further enacted*, That the Comptroller is authorized to issue his warrant for the sum of \$664.74, in full of interest to January 1, 1877, on the Spencer T. Hunt fund, belonging to Dickson and Humphreys counties, and \$888.32 in full of interest on the same account to January 1, 1879.

SEC. 20. *Be it further enacted*, That the Comptroller is authorized to issue his warrant for the interest on the "school fund," of \$2,512,500, to those who are entitled to the same by law.

SEC. 21. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed; and all laws providing a salary for any officer named in this act in excess of the amount herein appropriated for said officer, are so modified as to conform with this act.

SEC. 22. *Be it further enacted*, That the sum of \$3,375 be appropriated for the salary of the Superintendent of the Capitol for the two years and three months beginning December 19, 1876, the same being at the rate of \$1,500 per annum.

SEC. 23. *Be it further enacted*, That the sum of \$4,500 is hereby appropriated for the payment of clerk hire for the Comptroller's office for the two years and three months beginning December 19, 1876, the same being at the rate of \$2,000 per annum, or \$166.66 per month.

SEC. 24. *Be it further enacted*, That the sum of \$2,700 is hereby appropriated for the payment of clerk hire for the office of Secretary of State for the two years beginning December 19, 1876, the same being at the rate of \$100 per month.

SEC. 25. *Be it further enacted*, That the sum of \$2,160 be appropriated for the pay of porters to the capitol, the same being for two porters at the rate of \$40 per month for two years and three months beginning December 19, 1876.

SEC. 26. *Be it further enacted*, That the sum of \$187.50 be appropriated for the payment of clerk hire for the Treasurer's office for the three months beginning December 19, 1876.

SEC. 27. *Be it further enacted*, That the Comptroller issue his warrant in favor of the widow of ex-President Mrs. Polk.

Polk for the interest upon the bonds of the State owned and held by her on the 1st day of January, 1877, not exceeding twenty-nine in number.

**Commis'n for middle division** SEC. 28. *Be it further enacted*, That the Comptroller issue his warrant for \$4,000 to defray the expenses of the Commission, including the salaries of the Commissioners or Judges, for the middle division of the State, as provided by Senate Bill No. 239; and that the same amount be appropriated for the Commission for the western division of the State, as provided by act.

**Repairs in Senate chamber and H. of Rep.** SEC. 29. *Be it further enacted* That the sum of \$1,826.28 is hereby appropriated for the payment of laying wooden flooring, relining the curtains, changing and putting down the carpets, and other repairs in the Senate Chamber and Hall of Representatives, and for furniture, fuel and other items on account of Legislative expenses, of which a full and complete exhibit (marked "A") is herewith filed.

**H. S. Shield, chairman.** SEC. 30. *Be it further enacted*, That the Comptroller issue his warrant to H. S. Sheid, chairman of sub-committee to visit branch prisons, for the sum of \$55 to defray the expenses of said committee in visiting branch prisons in East Tennessee.

**H. H. Perry, chairman.** SEC. 31. *Be it further enacted*, That the Comptroller issue his warrant to Hon. H. H. Perry, chairman of sub-committee to visit branch prisons, for the sum of \$32.50 to defray the expenses of said committee in visiting the branch prisons in West Tennessee.

**Moses Davis.** SEC. 32. *Be it further enacted*, That the Comptroller issue his warrant to Moses Davis for the sum of \$10.50, as compensation for seven days service as assistant porter in the House of Representatives.

**Postage for Senate.** SEC. 33. *Be it further enacted*, That the Comptroller issue his warrant to Archie Thomas for the sum of eighty-four (\$84) dollars, for postage stamps furnished the members of the Senate in accordance with Senate Resolution No. 16.

**S. com. to E. T. University.** SEC. 34. *Be it further enacted*, That the Comptroller issue his warrant in favor of Hons. F. P. Cahill and A. R. Reid for the sum of \$25 each, to defray their expenses as members of a joint committee to visit the East Tennessee University at Knoxville.

**Copying Senate Journal.** SEC. 35. *Be it further enacted*, That the Journal of the Senate be, without delay, copied, indexed and published, by the principal and assistant clerks, under the direction and control of the principal clerk, and that for compensation of these services \$500 be appropriated, of

**Compensation**

which \$300 to the principal clerk and \$200 to the assistant clerk, and the Comptroller shall issue his warrants for the same when the services shall have been fully performed.

SEC. 36. *Be it further enacted,* That the Comptroller be instructed to issue a warrant on the Treasury in favor of W. G. Ewin, formerly clerk of Davidson County Court, for the amount of privilege tax illegally collected by the said Ewin from A. S. Colyar, which tax was paid into the Treasury of the State, as shown by his report of revenue collected, now on file in the Comptroller's office, said sum not to exceed forty-five dollars.

SEC. 37. *Be it further enacted,* That the sum of one hundred and fifty dollars be appropriated to the payment of a fee due to Robert Ewing for legal services rendered the State in the case of W. A. Gleaves vs. Wm. Morrow, Treasurer.

SEC. 38. *Be it further enacted,* That the Comptroller issue his warrant in favor of the Judge of Common Law and Chancery Court of Madison county for his salary, at \$2,000 per annum, commencing December 25, 1876.

SEC. 39. *Be it further enacted,* That the Comptroller issue his warrant on the Treasurer to Robert H. Rose for the sum of eleven hundred and ninety-three dollars and twelve cents for services rendered by him as Judge of 12th judicial circuit of the State of Tennessee in the year 1861 and 1862.

SEC. 40. *Be it further enacted,* That the sum of \$5,750 is hereby appropriated for the payment of the salary of the Superintendent of Prisons, for the two years and three months beginning December 19, 1876, the same being at the rate of \$2,500 per annum.

SEC. 41. *Be it further enacted,* That the sum of \$2,250 is hereby appropriated for the payment of the salary of the Physician to the Penitentiary, for two years and three months, the same being at the rate of \$1,000 per annum.

SEC. 42. *Be it further enacted,* That nothing in this act shall preclude the Comptroller from issuing his warrant for interest on bonds of the State held by educational and charitable institutions in this State, evidence of the ownership of which was on file in the Comptroller's office on the 1st day of January, 1875; *Provided*, that the current expenses of the State government shall first be paid.

SEC. 43. *Be it further enacted,* That the sum of \$1,080 be appropriated for compensation of the porter to

Taxes refund-  
ed to A. S. Col-  
yar.

Robert Ewing.

Judge of Mad-  
ison Law Court

Robt. H. Rose

Supt. Prisons.

Physician to  
penitentiary.

Interest to ed.  
and char. insti-  
tutions.

Porter  
scut'

the Secretary of State and Governor, for the two years and three months beginning December 19, 1876, the same being at the rate of \$40 per month.

SEC. 44. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Passed March 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER.  
*Governor.*

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# RESOLUTIONS.

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# SENATE JOINT RESOLUTIONS.

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## NUMBER I.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of two upon the part of the Senate and three upon the part of the House be appointed to prepare joint rules for the government of the two bodies when acting in conference, whether in convention, by committee, or otherwise.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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## NUMBER II.

Resolved by the General Assembly of the State of Tennessee, That a committee of two members on the part of the Senate and three members on the part of the House be appointed by the Speakers thereof to examine the books, accounts, and vouchers of the Comptroller of the Treasury and the Secretary of Treasury, and settle with them as the law directs.

Adopted January 2, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved January 17, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER III.

Resolved, That a committee of two upon the part of the Senate and three upon the part of the House be appointed to notify Governor Porter of the organization of the General Assembly, and that it is ready for the reception of any communications he may desire to submit.

Adopted January 2, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved January 17, 1877.

JAS. D. PORTER,  
*Governor.*

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NUMBER IV.

Resolved by the General Assembly of the State of Tennessee, That a committee of six on the part of the Senate, composed of two from each of the three grand divisions of the State, and nine on the part of the House, composed of three from each of the grand divisions of the State, be appointed to lay off the State into Judicial Districts and Chancery divisions, and report by bill or otherwise.

Adopted February 5, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved February 9, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER V.

**For counting the vote for Governor.**

WHEREAS, the joint convention of the two houses of this General Assembly, on Monday, January 8, 1877, met in the Hall of the House of Representatives for the purpose of preparing the vote for Governor, cast at an election held in all the counties of the State of Tennessee on the first Tuesday after the first Monday in November, 1876, and did, in following precedents set by former Legislatures of this State, fail to comply with the requirements of section 2, article 3, of the Constitution, in that the official returns from the Sheriffs of the several counties of this State, sealed and directed to the Speaker of the Senate, were not opened and published by the Speaker of the Senate in the presence of the two Houses in convention assembled, and that the action of the joint convention was unconstitutional, and therefore null and void, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in joint convention in the Hall of the House of Representatives on Thursday, the 11th, at 11 A. M., for the purpose of comparing the vote for Governor, as required and directed by the Constitution of the State, in article (3) three, section (2) two.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved January 11, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER VI.

To appoint a committee to wait upon the Governor and inform him of his election, and make necessary arrangements for his inauguration.

Resolved by the General Assembly of the State of Tennessee, That a committee composed of one member of the Senate and two members of the House, be appointed to wait upon His Excellency, Jas. D. Porter, Governor elect for the term commencing January 15, 1877, and learn his pleasure as to the time best suited for the inaugural.

Also, that a committee of two from the Senate and three from the House be appointed to make arrangements for and conduct the ceremonies of inauguration.

Adopted February 5, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved February 9, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER VII.

WHEREAS, it is the duty of the Trustees of the University of East Tennessee to establish an Agricultural College, so as strictly to conform with the Congressional enactment making the appropriation; and,

WHEREAS, the Congressional Act requires the fund hereby appropriated shall be used only for agricultural and mechanical school; and,

WHEREAS, it has been reported that said East Tennessee University has not complied with the Act donating this fund, but have used the income arising from

this endowment for improper purposes, not warranted by said law; therefore,

Resolved, that a joint committee of two on the part of the Senate and three on the part of the House, be appointed as a Committee of Investigation, to inquire into the condition, establishment, and practice of said University in reference to the agricultural and mechanical department of said school, and whether the money arising from said endowment is strictly used and paid out as required by the Act of Congress and the Act of the General Assembly of Tennessee establishing an Agricultural and Mechanical College, and said committee shall have all the powers and rights and perform all the duties required of the usual Legislative committee appointed to visit the East Tennessee University, and shall report fully upon the condition of the same.

Resolved, that the committee are required to make said investigation as early as practicable, and shall have power to examine books and send for persons and papers for this purpose, and report to the General Assembly.

Resolved, That said committee also visit and inspect the condition and management of the Deaf and Dumb Asylum in Knoxville, and report to this General Assembly.

Adopted February 12, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved February 24, 1877.

JAS. D. PORTER.

*Governor.*

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## NUMBER VIII.

Resolved by the General Assembly of the State of Tennessee, That a Legislative Committee, composed of two Senators and three Representatives, to be selected in such manner as each House shall determine, be appointed,

who shall be charged with the duty of visiting New York and conferring with the arbiters mentioned in the special message of the Governor, and they shall report the result of their action to this General Assembly for ratification or rejection. at the earliest day practicable.

Adopted February 28th, 1877.

HUGH M. MCADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 1, 1877.

JAMES D. PORTER,

*Governor.*

## NUMBER IX.

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller be and is hereby authorized and instructed to receive from C. B. French, Fremoten Young and James R. Martin six \$1,000 bonds of the State of Tennessee, letter "F," funding series, due July 1st, 1914, with coupons attached, from January 1st, 1876, Nos. 1944, 3417, 6143, 6150, 6149 and 6142, together with the coupons of July, 1875, in full discharge and satisfaction of a judgment obtained by the State against said parties, as sureties of Thos. J. Littleton, Revenue Collector of Roane county, and in full redemption of all lands which have heretofore been sold under said judgment.

Adopted March 7, 1877.

HUGH. M. MCADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

This resolution having been presented to the Governor for his signature on the 12th day of March, 1877, and the Governor having failed to return it within the term prescribed by law, the same is hereby declared to have taken effect.

This, the 21st day of March, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

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## NUMBER X.

A Resolution directory to the Comptroller, to apportion according to the lawful rights of counties any back school fund not heretofore so apportioned according to law.

WHEREAS, It appears from the report of the Comptroller made to the Legislature in 1873, there remained in the Treasury about one hundred and fifty thousand dollars of the school fund not apportioned to the counties entitled according to law under which the same was levied and collected, and

WHEREAS, There may be additional school funds collected and not apportioned. Therefore,

Be it resolved, That the Comptroller, as soon as practicable, apportion said school fund or funds according to the law under which the same was levied and collected, and pay the same to the Trustees of the respective counties, and that the respective counties appropriate the same to the discharge of all liabilities which are, and of right ought to be, a charge upon said fund, and that the

surplus, if any, go into the general school fund of the county.

Adopted March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 22, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER XI.

A Resolution to provide for the sale of lots of land in Memphis wherein the State has an interest.

WHEREAS, Certain lots of land situated in the city of Memphis, in this State, were bid off in the name and for the benefit of the State, and of the county of Shelby, at sales made under deed in trust and writ of execution against sureties of William McLean, late tax collector of said county. Therefore,

Resolved, That the Comptroller of the State and the Chairman of the County Court of Shelby county, shall have power, at any time they may be of the opinion that the interests of the State and said county require or will be promoted by sale of the said lots, or any of them, to sell the said lots at public auction, in said city of Memphis, for cash or credit, as the one or the other may be likely to obtain the best price, having first given public notice of the time, place and terms of sales, by advertisement, for not less than twenty days before the sale, in one or more of the daily newspapers published in said city of Memphis. The lots referred to, are one or more on the north side of Jefferson street, at or near the foot of said street and the Mississippi River, and commonly known as the Elliott Block; second, one or more lots or parcels on the north side of Beale street, and the house numbers of the storehouses thereon are Nos. 82

and 84. In case of sale, the certificate or deed of the Comptroller and said Chairman, upon sale made and the price paid or fully secured, shall have the force and effect to vest in the purchaser or purchasers the legal title to the lot or lots so sold. The proceeds of the sales shall be distributed between the State and county in proportion to their respective interests in said lots.

Adopted March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER XII.

WHEREAS, The House of Representatives of the Congress of the United States has passed a bill granting pensions to the surviving soldiers of the Mexican war, and to the widows of those who are dead ; and

WHEREAS, the same is now pending before the Senate of the United States Congress. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be and they are hereby instructed to use all honorable means to secure the passage of said bill.

Adopted March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XIII.

To permit the State Medical Society to hold its annual meetings in the State Capitol.

Be it resolved by the General Assembly of the State of Tennessee, That the Superintendent of the State Capitol be and he is hereby directed to permit the Medical Society of the State of Tennessee to hold its annual session in the Senate Chamber or the Hall of the House of Representatives, as said Society may elect, free from any expense whatever, until further instructed.

Adopted March 23, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XIV.

WHEREAS, It appears from the report of James L. Gaines, Comptroller, made to this General Assembly, on page 60 of same, there is a balance on the Comptroller's books against A. J. Peebles, Revenue Collector for Fayette county, for the year 1869, of twenty-two hundred and four 16-100 dollars (\$2204 16-100), and the same is reported by the said Jas. L. Gaines, Comptroller, as being a proper account for adjustment by the Legislature. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That James L. Gaines, Comptroller, be and he is hereby authorized and empowered to settle with the said A. J. Peebles, Revenue Collector of Fayette

county, Tennessee, giving him credit for all proper and legal vouchers which the said A. J. Peebles may hold, and allow him his commission to which he is duly and legally entitled, and to adjust and settle his said account, and report to the General Assembly.

Adopted March 23, 1877.

HUGH N. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 24, 1877.

JAS. D. PORTER,

*Governor.*

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## NUMBER XV.

Be it resolved by the General Assembly, That the Governor be and he is hereby authorized to appoint three Fish Commissioners, one from each Grand Division of the State, to co-operate with the United States Fish Commission.

Adopted March 26, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## NUMBER XVI.

WHEREAS, The State of Tennessee did, on the 7th day of October, 1872, in the Circuit Court of Meigs county, recover a judgment against W. E. Smith, tax collector of said county for the year 1869, and Owen Solomon and others as his securities, for \$3,197.59, the amount of default, and for the sum of \$500.10 interest thereon, and for the further sum of \$445.46 damages thereon, and that the State of Tennessee has heretofore collected on said judgment the sum of \$864.35; and,

WHEREAS, Said Owen Solomon died in the year 1874, leaving a widow and a large family of children, some of whom are minors; and,

WHEREAS, The State of Tennessee has filed her bill in the Chancery Court of said county of Meigs, against said widow Mary Solomon and the children of said Owen Solomon, for the purpose of subjecting the land of said widow and children to the satisfaction of said judgment aforesaid, and a decree having been pronounced in said cause on the 12th day of March, 1877, directing the sale of said land; and,

WHEREAS, The proof taken in said chancery cause shows that the property of said Mary Solomon paid for said land originally; and,

WHEREAS, said land, if sold, will not realize to the State more than \$2,500; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That said Mary Solomon and children be and they are hereby authorized and allowed to pay into the Treasury of the State the sum of \$2,500, with bond and coupons of the State legally issued, and the same be taken in satisfaction of said judgment against the estate of Owen Solomon, deceased, and the Comptroller is hereby authorized and directed to audit and settle said claim on the above basis, and to suspend further proceedings looking to the sale of said land; Provided, however, said sum of \$2,500 in bonds and coupons be paid into the State Treasury within four months after the passage of this resolution; and provided further, that nothing in this resolution shall be construed so as to release said tax

collector or his other securities from liability for the balance of said judgment.

Adopted March 26, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

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NUMBER XVII.

Be it resolved by the General Assembly of the State of Tennessee, That whenever suits are pending against any of the revenue collectors of this State, whose books have been taken out of their possession and placed in the hands of a back tax collector, that said back tax collector shall return the tax books of such collector against whom suit may be pending to such collector, and he may collect the taxes uncollected on such books.

Adopted March 26, 1877.

HUGH M. McADOO,

*Speaker of the Senate.*

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,

*Governor.*

## NUMBER XVIII.

WHEREAS, There have been presented at the office of the Secretary of State four bonds of the white series, letter "B," purporting to be issued during the administration of Governor Isham G. Harris in 1859; and,

WHEREAS, Other bonds of the same numbers with those presented have already been registered; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Governor and Comptroller are hereby authorized to have registered such bonds purporting to be signed by Isham G. Harris as Governor, and J. E. R. Ray, then Secretary of State; Provided, said Harris and Ray shall make affidavit, to be filed in the office of the Secretary of State, that such bonds were regularly signed, that their signatures appended thereto are genuine, that they believe the State received value therefor, and that in their opinion the said bonds are misnumbered by clerical mistake; and provided further, the Governor and Comptroller are satisfied that such bonds ought to be registered.

Adopted March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XIX.

WHEREAS, It is the duty of Government to furnish the citizens thereof a speedy trial of their causes in the courts of justice; and,

WHEREAS, The crowded condition of the Supreme Court dockets of this State amounts to a practical denial

of justice to a large number of litigants therein, and some immediate and permanent relief should if possible be afforded by the present General Assembly; therefore, Resolved, That a joint committee of five—three from the House and two from the Senate—be appointed by the respective Speakers thereof to take this matter into consideration, whose duty it shall be to prepare and report to the special session of this General Assembly, should one be called, a bill to relieve the present crowded condition of the Supreme Court dockets, and provide for the speedy trial of appeal cases in the future.

Adopted March 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XX.

WHEREAS, W. G. Harding, D. H. McGavock, Mrs. McKelvey and others have obtained decrees in the Supreme Court of Tennessee, enjoining Nashville, Chattanooga and St. Louis Railway from using or running trains over certain lands, occupied by the right of way of the Nashville and Northwestern Railroad, sold by the State in the cause of the State vs. the Edgefield and Kentucky Railroad Company, pending in the Chancery Court at Nashville, to the said Nashville, Chattanooga and St. Louis Railway; and,

WHEREAS, The basis of these decrees for injunction was, that the lien of said parties for the purchase money of these lands was prior and superior to that of the State, in said land of said railroad companies, and that they not having been made parties to said suit had no opportunity therein to have adjudicated their right therein to the purchase money paid into court for said Nash-

ville and Northwestern Railroad, and not being permitted to sue the State, were forced to pursue their remedy by injunction against the Nashville, Chattanooga and St. Louis Railway as purchasers of said railroad; and

WHEREAS, It being the intention of the Legislature in passing the various acts directing the bringing of said suit for the purpose of selling of said railroad and other delinquent railroads, that all parties having legal claims against any of the said railroads should be made parties thereto and have their rights therein adjudicated; now, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the said W. G. Harding, D. H. McGavock & Co., complainants, and Lucy McElvey, or their assigns, may proceed, by petition, in said cause of the State of Tennessee vs. the Edgefield and Kentucky Railroad Company et als., to make themselves parties thereto, making the State a party to said petition by service of notice upon the Attorney General for the State — days before the filing of the same; and the said Chancery Court shall have full power to make such decree thereon as it might have made had the petitioners been parties to the original bill therein; and the fact of not having been made parties originally to said suit shall in no way affect their rights in the premises; Provided, nothing in this resolution shall in any way affect the judgments of the parties against the Nashville, Chattanooga and St. Louis Railway which have been rendered in the courts heretofore.

Adopted March 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

# HOUSE JOINT RESOLUTIONS.

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## NUMBER I.

WHEREAS, By Act of Congress of 25th July, 1866, providing for the election of Senators from the several States to the Senate of the United States, it was enacted that the Legislature of each State, which shall be chosen next preceding the expiration of the term for which any Senator was elected to represent said State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress for the next ensuing term; and

WHEREAS, By the same Act of Congress it was further enacted, that whenever, on the meeting of the Legislature of any State, a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization thereof, to elect a person to fill said vacancy in the same manner as provided for the election of a Senator for a full term; and

WHEREAS, The time for which the Hon. Henry Cooper was elected to represent the State of Tennessee in the Senate of the United States expires on the 4th day of March, A. D. 1877, and this General Assembly having organized on the 1st day of January, A. D. 1877; and

WHEREAS, Since the adjournment of the last General Assembly of Tennessee the Hon. Andrew Johnson, who was, on the — day of January, A. D. 1875, duly elected to the Senate of the United States for the term beginning on the 4th day of March, 1875, has died, leaving a vacancy in said Senate to be filled by this Legislature, Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That on Tuesday the 9th day of January, 1877, this General Aesembly will, in separate Houses, in pursuance of said Act of Congress, and for the purpose of electing a Senator from Tennessee to the Senate of the United States, for the term beginning on the 4th day of March, A. D., 1877, and then for the election of a Senator from Tennessee to the Senate of the United States, to fill the said unexpired term of the late Hon. Andrew Johnson, proceed openly, by a *viva voce* vote of each member present, to name one person for Senator in Congress from this State for the said full term, beginning on the 4th day of March, 1877, and then, next thereafter, in the same way, will proceed to name one person for Senator in Congress from this State for the said short or unexpired term.

Be it further resolved, That on Wednesday, the 10th day of January, 1877, the Senate will meet with the House of Representatives, in the Hall of the House of Representatives, in joint convention, for the purpose of comparing the vote cast for each of said positions in the Senate of the United States, in each House, on the preceding day, and to declare the result thereof; and in case it be then ascertained that no election was made by the vote of the Houses in separate session for either or both of said Senatorial terms, then that the joint Convention of the two Houses proceed to choose, by a *viva voce* vote of each member present, a person for the purpose and full term aforesaid ; and after a ballot or ballots therefor, next thereafter, shall in like manner proceed to choose a person for the purpose and short or unexpired term aforesaid, or in case by the said joint convention it be ascertained that, on the preceding day, by the vote of the two Houses in separate sessions, there was an election of a person to fill one of said Senatorial positions, but no election to fill the other, then shall said joint convention, in like manner as above named, proceed to vote for a person for the other said office and term.

Resolved further, That in case there be no election on the day named above (Wednesday) for either or both said officers and terms, then said joint convention shall meet at 12 o'clock meridian, in the same place, on each succeeding day during the session of the Legislature, and in the order above named take at least one vote for each

of said Senatorial positions and terms until an election has been made for said offices respectively.

Adopted January 4, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 8, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER II.

Resolved by the General Assembly of the State of Tennessee, That the Senators meet the Representatives in the Hall of the House of Representatives on Monday, the 8th day of January, at 11 o'clock A. M., for the purpose of comparing the vote cast in the election for Governor, held in this State on the first Tuesday after the first Monday in November, 1875.

Adopted January 3d, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 17, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER III.

Resolved by the General Assembly of the State of Tennessee, That a committee of three on the part of the

House, and three on the part of the Senate, be appointed to settle at as early a day as convenient with the Comptroller and Treasurer of the State, and in which settlement said committee shall examine the accounts of said Comptroller and Treasurer respectively, and settle with them in the manner now prescribed by law, and report the same without delay; said committee will also enquire and report what reduction in the pay and salaries of said Comptroller and Treasurer, respectively, can be made consistent with the public service.

Adopted January 3d, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 17, 1877.

JAS. D. PORTER,  
*Governor.*

#### NUMBER IV.

WHEREAS, Section 24 of Article II of the Constitution of the State declares that "*No money shall be drawn from the Treasury but in consequence of appropriations made by law,*" and

WHEREAS, The evident object of this provision of the Constitution is to require specific appropriations by the Legislature for every purpose of the State, in order that economy may thereby be enforced, and the expenditures in the various branches of government be properly limited. Therefore,

SECTION 1. Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller, Secretary of State and Treasurer, be and they are hereby directed to furnish to this General Assembly, either separately or in one report, signed jointly by them all, esti-

mates of the sums of money necessary to be raised for the purpose of carrying on the State Government for two years, said estimates are to contain an itemized and tabular statement of the amounts required for each department, and for every purpose thereof, giving the same in detail and fully, with subdivisions under each head, and with each item made distinct and separate, or so grouped that it can be readily understood.

SEC. 2. Be it further resolved, That said report of estimates for appropriation of the public money shall be made through the Governor of the State; that His Excellency be requested to give his approval or disapproval of the same, to show wherein, if in any respects, the expenditures contemplated by such estimates may be reduced or ought to be increased, and to submit fully his views thereupon.

SEC. 3. Be it further resolved, That the above named officers are hereby directed to furnish said estimates at as early a day as practicable, to this General Assembly, to the end that it may duly and fully consider the same, and be enabled to make appropriations in accordance with the Constitution, and as demanded by the best interests of the State.

Adopted January 3, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 18, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER V.

Be it resolved, That this General Assembly meet in Convention in the Hall of the House of Representatives on the 18th day of January, at 11 o'clock A. M., and pro-

ceed to the election of Secretary of State, Treasurer, and Comptroller of the Treasury, and that the election of said officers be held in the order named herein.

Adopted January 13, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 17, 1877.

JAS. D. PORTER,  
*Governor.*

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NUMBER VI.

WHEREAS, Death, the saddest of all visitants, has, since the meeting of the last Legislature of the State of Tennessee, taken from our State two of her most distinguished sons in the persons of Hon. Andrew Johnson and Hon. A. O. P. Nicholson. Therefore,

Be it resolved, That two committees of five each be appointed to draft suitable resolutions and present them to this House, expressive of the irreparable loss sustained by the people of our entire State in the death of these distinguished gentlemen.

Adopted January 10, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 19, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER VII.

WHEREAS, The members of the General Assembly have received intelligence of the death of Mr. Cornelius Vanderbilt at his home in New York City, on the 4th day of January, 1877; therefore

1. Resolved by the General Assembly of the State of Tennessee, That recognizing with gratitude the munificence of this distinguished citizen to the educational interests of our State, the announcement of his death fills us with sorrow.
2. Resolved, That his memory will be gratefully cherished by the citizens of Tennessee.
3. Resolved, That we tender to his family our sympathies in their bereavement.
4. Resolved, That the members of the General Assembly accept the invitation communicated by the message of Governor James D. Porter, to be present at the memorial discourse of the Rev. Bishop McTyeire tomorrow at the Vanderbilt University.
5. Resolved, That these resolutions be entered on the records of both Houses, and that a copy of them suitably engrossed be forwarded to the family of the deceased.

Adopted January 10, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 19, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER VIII.

Resolved by the General Assembly of the State of Tennessee, That the Fortieth General Assembly having now elected all their State officers, and also their United States Senators; and whereas, there are now before this

House at this time 217 House Bills, House Joint Resolutions 82, House Resolutions 79, the same being an excess of Bills and Resolutions for the limited time for which this House has been in session ; therefore,

Be it resolved, That this General Assembly adjourn on Friday, January 26, 1877, and stand adjourned till 10 o'clock, A. M., Monday week following.

Adopted January 26, 1877.

**EDWIN T. TALIAFERRO,**

*Speaker of the House of Representatives.*

**HUGH M. McADOO,**

*Speaker of the Senate.*

Approved January 26, 1877.

**JAS. D. PORTER,**

*Governor.*

## NUMBER IX.

### Directory to the Committee on the Penitentiary.

1. Be it Resolved by the General Assembly of the State of Tennessee, That the Standing Committees of the two Houses on the Penitentiary, be, and they are hereby instructed to examine into the sanitary condition of the Penitentiary, and report the condition of the prison with respect to the health and comfort of the prisoners. Said committees will also enquire and report whether any prisoners have been treated with unnecessary or inhuman rigor; and for the purpose of executing this inquiry, they may visit the prison, and may send for persons and papers, and call upon any of the officers of the State for any information they may be able to furnish in respect to the matters embraced in this inquiry.

2. Be it further resolved, That the chairman of the respective committees of each House may appoint such sub-committees as they may deem proper, to visit the various places where prisoners are stationed and employed, whose duty it shall be to visit and examine fully into the mode of treatment of such prisoners, and the condition of the stockades and other buildings and enclosures.

used for the purpose of securing the prisoners; the necessary expenses of said committees to be paid out of the State Treasury and included in the appropriation hereafter to be made for Legislative expenses.

Adopted January 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 27, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER X.

WHEREAS, This General Assembly has, with pleasure, received, through the message of His Excellency, the Governor, the communication of certain gentlemen, holders of the bonds of the State, and representatives of holders of bonds, asking a conference looking to a permanent and equitable adjustment and compromise of the claims held by them against the State; therefore,

Be it resolved by this General Assembly, That the Governor be requested to communicate by telegrams or by letters, with the gentlemen holding securities of the State, mentioned in his message, and with others holding bonds of the State, and request them to submit, at the earliest day possible, through him, to this General Assembly, any proposition or propositions of adjustment and compromise which they may desire.

Adopted January 26, 1877.

EDWIN T. TALIAFERRO.  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved January 27, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XI.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller and Treasurer of the State are hereby instructed to suspend all further payments of interest upon State bonds, until otherwise ordered, (except that they will continue to pay as heretofore the interest on so many of said bonds as are at this time owned by the Educational Institutions within the State.

Adopted January 15, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 12, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER XII.

Be it Resolved by the General Assembly of the State of Tennessee, That a committee of three members on the part of the Senate and three on the part of the House, be appointed by the Speakers thereof respectively, to act in connection with the Attorney General of the State, who is hereby constituted a member of said committee, for the purpose of taking into consideration the revision and amending of the criminal laws and criminal cost, and they are hereby instructed to report a Bill on the same to this General Assembly at the earliest day possible.

Adopted January 10, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 12, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XIII.

Be it Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the State be, and he is hereby instructed to advance the case appealed from the Circuit Court of Giles county to the Supreme Court, involving the constitutionality of the "Dog Law," to as speedy a hearing as possible.

Adopted January 25th, 1887.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 12, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XIV.

Be it resolved by the General Assembly of the State of Tennessee, That a committee of nine be appointed, six to be designated by the Speaker of the House of Representatives from the members thereof, and three to be designated by the Speaker of the Senate from the members thereof, whose duty it shall be to ascertain and report at the earliest day practicable,

First, what amount was incurred by the various counties in the State for juries in civil cases in the Circuit Courts from January 1, 1876, to January 1, 1877.

Second, what amount was incurred by the various counties of the State in expenses of the Circuit Courts exclusive of jurors fees, from January 1, 1876, to January 1, 1877.

Third, what amount was incurred by the various counties of the State in expenses of the Chancery Courts from January 1, 1876, to January 1, 1877.

That it shall also be the duty of said committee to in-

vestigate and report to the General Assembly at the earliest practicable day what legislation is proper to reform the judicial system, civil and criminal, of the State, that the same may be more efficient and economical; and said committee, if they think proper, may report a bill to the General Assembly embracing the needed reforms.

Adopted February 5, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved February 12, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XV.

Resolved by the General Assembly of the State of Tennessee, That a committee of two on the part of the House, and two on the part of the Senate, be appointed to investigate the expenditures of the Lunatic Asylum.

Resolved, That the Superintendent of the Asylum be required to furnish the committee with an itemized account of the expenditures of that institution.

Resolved, That the committee make their report as soon as practicable.

Resolved, That no appropriation be made for said institution until the committee have made their report.

Adopted February 7, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved February 15, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XVI.

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be and he is hereby required at as early a day as practicable to report to this General Assembly what amount of money has been paid out of the State Treasury for the last two years, compensation to special Judges and Chancellors elected by the bar, or appointed by the Governor on account of the failure of the regular Judges and Chancellors to attend and hold said courts, or their incompetency to do so from any cause. He will report the exact amount paid on account of the failure of each Judge and Chancellor in the State separately. He will also report what amount, if any thing, has been paid out of the State Treasury to attorneys for assisting the regular Attorney General in prosecution of criminals in this State for the last two years, and under what authority the same was paid, to whom paid, the amount so paid, and the particular prosecutions the services were rendered.

Adopted February 7, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 15, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XVII.

Resolved by the General Assembly, That six hundred copies of the report of the Board of Trustees of the Deaf and Dumb School of this State, be printed for the use of

the institution, and two hundred copies for the use of the House and Senate.

Adopted February 5, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

HUGH M. McADOO,

*Speaker of the Senate.*

Approved February 15, 1877.

JAS. D. PORTER,

*Governor.*

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## NUMBER XVIII.

Resolved by the General Assembly of the State of Tennessee, That a committee of two on the part of the Senate and three on the part of the House of Representatives, whose duty it shall be to examine into the offices of the Comptroller, Treasurer, and Secretary of State, and report as soon as practicable what has been the annual income for the last four years to the incumbents of said offices in the way of salaries and perquisites, and what reductions can and ought to be made in the salaries and fees now allowed by law to said officers.

Said committee shall have power to send for persons and papers, and to examine the present and previous occupants of said offices.

Adopted February 7, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

HUGH M. McADOO,

*Speaker of the Senate.*

Approved February 23, 1877.

JAS. D. PORTER,

*Governor.*

## NUMBER XIX.

**Resolution as to the punching or cancellation of the bonds of Tennessee.**

WHEREAS, By an act of the Legislature of the State of Tennessee, entitled "An Act for the payment of the State debt," passed January 20, 1870, the third section of which act provides "that when any company under the provisions of this act shall pay into the Treasury of the State, bonds which have been issued by the State to said company, the said bonds shall be cancelled, but should any company, in discharge of its own debts, pay into the Treasury any bonds that were issued to other companies that may be indebted to the State, such bonds so paid in shall not be cancelled, but shall be held by the State as purchased bonds, retaining a lien for the State upon the road to which said bonds were originally issued until the debt of said road to the State shall be fully discharged, when the bonds so held shall be cancelled, etc.; and,

WHEREAS, By an act of the Legislature of Tennessee, passed November 17, 1871, the first section of said act provides, that section 2 of the act of the 20th of January, 1870, be so amended as that all the bonds and coupons of the State of Tennessee retired by railroads under the various acts of the General Assembly of the State, or which have been paid to the Comptroller by the purchasers of delinquent railroads, or that may have come into the hands of the Comptroller from any source, shall be mutilated by a punch or perforation through the face of said bonds and coupons, which mutilation shall be notice to all the world that said bonds and coupons are worthless for all purposes, except to the State of Tennessee in establishing and enforcing any lien which the State may have acquired by the issuance of its bonds in aid of railroads. The second section of said act provided for a committee of five on the part of the House, and three on the part of the Senate, to carry out the provisions of the 1st section of said act. The 3d section of said act provides that any bonds which may be received by the Comptroller after the discharge of the committee provided for in the 2d section of said act, shall be, when received, mutilated, as provided for in the 1st section of said act, by the Comptroller, Secretary of State, and Treasurer, in the presence of the Governor; and,

WHEREAS, On the 15th day of December, 1871, an

act was passed repealing so much of said act passed the 17th day of November, 1871, as required the bonds of Tennessee to be cancelled by a committee of the Legislature, and amending said act so as to require the Secretary of State, Comptroller and Treasurer, in the presence of the Governor, to cancel all bonds that may remain uncancelled at the time of the adjournment of that General Assembly, as is by that act prescribed for the cancellation of bonds that may be paid in after the adjournment of said Legislature; and,

WHEREAS, Comptroller Gaines, in his letter of the — day of —, 1876, addressed to the Hon. J. E. R. Ray, discloses the fact that some of the bonds of the State of Tennessee had been hypothecated by his predecessor in office, in the city of New York, for the loan of money, which bonds had been paid into the Treasury of the State of Tennessee under the laws of the State as aforesaid, and should have been cancelled or punched, as provided by law; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That a committee of three on the part of the House, and two on the part of the Senate, be appointed to investigate and see whether the various acts of the Legislature of Tennessee relating to the cancellation of bonds have been faithfully complied with: they will ascertain what amount of bonds have been or should have been paid into the Treasury of the State since the 17th day of November, 1871, from what source received, and the amount; whether any of said bonds have been hypothecated, if so, by whom and for what purpose, and under what law; whether any of said bonds or coupons have been withdrawn from the Treasury for any purpose, if so, by whom, at what time, and for what purpose. Said committee shall have power to send for persons and papers, and examine them under oath. They may hold their sessions during the sitting of the Legislature, if desired. They will make their report at the earliest day practicable to this Legislature.

Adopted February 8, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. MCADOO,  
*Speaker of the Senate.*

Approved February 23, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XX.

WHEREAS, There is to be held in Paris, France, in the year 1878, a World's Fair; and,

WHEREAS, It is of great importance to the people of this State that Tennessee should be properly represented at the said exposition, and that its agricultural, mineral and manufactured productions should be prominently placed on exhibition there, so as to make known our great resources abroad; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Governor of this State is hereby authorized to appoint three or more citizens from each grand division of this State as commissioners to represent Tennessee at the World's Exposition to be held in Paris, France, in the year 1878; Provided, the State of Tennessee shall not incur any charge or expense by reason of said representation.

Adopted February 14, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved February 23, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XXI.

WHEREAS, The act of 1871, chapter 81, provides that the lessees of the penitentiary were to continue the work on the capitol grounds at the same rates charged by the inspectors in the monthly estimates furnished the Comptroller previous to the lease of the penitentiary in 1871,

and that no charges therein estimated for said works shall be allowed or estimated; and,

WHEREAS, The act of 1873, chapter 37, section 3, provides that the Superintendent of Prisons may expend upon the capitol grounds an amount annually not to exceed the amount agreed to be paid by the lessees of the penitentiary annually for convict labor, unless the commissioners or supervisors, for the protection of the work already done, shall order otherwise, and provided said additional amount shall not exceed one thousand dollars; therefore,

Resolved by the General Assembly of the State of Tennessee, That the Joint Committee on Public Grounds and Buildings are hereby directed to examine and report upon the following matters:

1st. Has the work upon the capitol grounds, since the lease of the penitentiary in 1871, been performed upon the same terms charged by the inspectors in the monthly estimates made to the Comptroller? They will compare the account between the State and the lessees of the penitentiary in regard to the capitol ground improvement, with the report of inspectors referred to above, and see whether the contract has been fully complied with in all particulars.

2d. Has the act of 1873, chapter 37, been fully complied with in all its provisions, and if not, they will report fully the particulars wherein it has failed to be complied with. Said committee shall have power to send for persons and papers, and to take evidence if necessary.

Adopted March 7, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

Approved March 12, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XXII.

WHEREAS, The General Assembly has adopted, by the two Houses thereof, a resolution providing for a committee to go to the city of New York to meet and consult with the gentlemen mentioned in the Governor's message, or other interested parties, looking to the settlement of the indebtedness of the State of Tennessee; and

WHEREAS, It is the sense of this General Assembly that the powers and authority of said commission should be definitely defined. Therefore,

Be it resolved, That said Committee, as soon as organized, shall open communication with Geo. S. Coe, J. A. Vermilye, B. B. Sherman, B. B. Comegys and Enoch Pratt, the gentlemen mentioned in the message of the Governor, or any other interested parties, and advise them of this appointment, and the purpose thereof, and proceed to the city of New York as soon as a time for a meeting can be arranged between the parties.

Resolved further, That said committee is authorized to confer fully and freely with the gentlemen aforesaid, or other persons holding State bonds, or authorized to make propositions for compromise on behalf of bondholders as to the indebtedness and ability of the State to pay; and to receive and transmit to this General Assembly all propositions for compromise made by the gentlemen aforesaid, or which other bondholding creditors of the State may think proper to make: Provided, however, that no proposition submitted by the holders of Tennessee securities shall have any force or effect, or be in any way binding upon the State of Tennessee, until the same be submitted to and approved by this General Assembly, and receives the signature of the Governor: And provided further, that the committee appointed on the part of the State, by this General Assembly, are not authorized, empowered or instructed to make with the gentlemen aforesaid any proposition for the compromise of the indebtedness of the State, or any terms by which this General Assembly or the State of Tennessee is to be bound or held liable for.

Resolved, That this House proceed to elect immediately three members thereof, one from each Grand Division of the State, to serve on the joint committee provided for in Senate Joint Resolution No. 40; and that

two members of the Senate be elected or appointed, as they may determine, to serve on said joint committee.

Resolved further, That the compensation allowed said committee, in addition to their per diem as members of this General Assembly, shall not exceed the actual expenses necessary in carrying out the purposes for which said committee is appointed.

Adopted March 2d, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 5, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XXIII.

Resolved by the General Assembly of the State of Tennessee, That one thousand copies of the report of the Superintendent of Prisons, together with accompanying documents, be printed for the use of the members of the Senate and House.

Adopted March 3d, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH N. McADOO,  
*Speaker of the Senate.*

Approved March 6, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XXIV.

WHEREAS, James O. Oslin, Clerk of the County Court of Rutherford county, certifies, under the seal of his office, that the County Court of said County, at its July term, 1875, made an order allowing John B. Johns, Revenue Collector for said county, credit on account of erroneous assessment for the years 1872 and 1873, and further certifies that the State tax in said allowance is seventy-six and 78-100 dollars, for which sum said Johns is entitled to credit in settlement with the Comptrolter of the State; and

WHEREAS, The Comptroller's books show that the said John B. Johns has settled in full with the Comptroller. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury be hereby instructed to issue his warrant for the sum of seventy-six 78-100 dollars to John B. Johns, of Rutherford county, for excess of State tax paid by said John B. Johns.

Adopted March 16, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 19, 1877.

JAS. D. PORTER,  
*Governor.*

## NUMBER XXV.

Resolved by the General Assembly of the State of Tennessee, That fifteen hundred copies of the report of the Trustees of the East Tennessee University State Agricultural College, located at the city of Knoxville,

be printed for the use of said University, and that each member of the Fortieth General Assembly be furnished with five copies of said report out of said fifteen hundred copies.

Adopted March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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NUMBER XXVI.

Be it resolved by the General Assembly of the State of Tennessee, That the Fortieth General Assembly of the State of Tennessee do adjourn *sine die* on March 27, 1877, Tuesday, 6 o'clock P. M.

Adopted March 27, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 27, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XXVII.

Resolved, That in token of our admiration for the late illustrious President, James K. Polk, the members of this General Assembly shall at an early day visit in a body his worthy widow, and that Mr. Speaker McAdoo and Mr. Speaker Taliaferro be requested to ascertain what time will suit Mrs. Polk's pleasure for said visit.

Adopted February 28, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 3, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XXVIII.

WHEREAS, In conformity to an Act passed March 21, 1873, authorizing the sale of the State's interest in turnpikes and plank roads, the Secretary of State sold the State's interest in the Nashville, Murfreesboro and Shelbyville turnpike road to the stockholders of the same for the sum of ten one thousand dollar State bonds; and

WHEREAS, The said stockholders have paid five of said bonds, and are now ready to pay the balance due thereon. Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the sale of the State's interest in the Nashville, Murfreesboro and Shelbyville turnpike company to the stockholders of said company at the price of ten thousand dollars in the legal bonds of the State be confirmed. And upon said turnpike company complying fully with the terms of said sale by paying to the State the balance of purchase money due thereon, all the rights, title, claims and interest of the State in said turn-

pike road is hereby vested in and transferred to said turnpike company: Provided, that the claim of the State against the Nashville and Chattanooga Railroad Company, directed to be sued on by House Joint Resolution No. 60, and adopted March 5, 1875, and approved March 12, 1875, shall not be included in said sale, but is hereby specially excluded from said sale and conveyance.

Adopted March 15, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

HUGH N. McADOO,

*Speaker of the Senate.*

Approved March 27, 1877.

JAS. D. PORTER,

*Governor.*

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## NUMBER XXIX.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller is hereby directed to issue his warrant to C. L. Anderson, Sheriff of Shelby county, for the sum of fifty-five dollars, for money expended by him, and compensation for pursuing and capturing Robert Drury, the murderer of Gibson, Deputy U. S. Marshall, late of Shelby county.

Adopted March 16, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

HUGH M. McADOO,

*Speaker of the Senate.*

Approved March 17, 1877.

JAS. D. PORTER,

*Governor.*

## NUMBER XXX.

WHEREAS, by act of the General Assembly, passed December 14, 1871, and approved December 14, 1871, the county of Moore was established, and W. I. Taylor was elected Tax Collector for said county of Moore for the year 1872, and did proceed to collect the State and county taxes for that year, and pay the same, State as well as county taxes, into the county treasury instead of paying the State taxes over to the Comptroller; and,

WHEREAS, this was done under the supposed authority of the 11th section of the aforesaid Act, passed December 14, 1871, and the State taxes for that year were retained by the order and direction of the County Court of the said county of Moore, under the supposed authority of the aforesaid section of the aforesaid Act of Assembly; now, therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Attorney General be and he is hereby directed to dismiss a suit now pending in the Supreme Court of this State, brought by Comptroller Gaines against the said W. I. Taylor, Tax Collector of Moore county for 1872, for the recovery of \$3430.79, the amount of State taxes collected by said Taylor for 1872, and paid over to the county authorities of Moore county, said suit having been appealed from the Circuit Court of Moore county to the Supreme Court of the State.

Be it further resolved, That the Comptroller is hereby directed to close the account on his books against the said W. I. Taylor, Revenue Collector for Moore county for the year 1872, in accordance with the above resolution.

Adopted March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

NUMBER XXXI.

WHEREAS, at the Thirty-ninth General Assembly of Tennessee resolution No. 52 was adopted, providing that the Governor of the State of Tennessee be authorized to send commissioners, to be appointed by the Governor, to the city of Paris, France, to represent the State in the Geographical Congress and Syndicate of Trades; and,

WHEREAS, in pursuance of said resolution His Excellency Jas. D. Porter did accordingly appoint as delegates from the State of Tennessee Albert Akers, of Davidson county, and Bronson Bayliss, of Shelby county; and,

WHEREAS, in pursuance of said appointment of his Excellency, the Governor of Tennessee, said commissioners proceeded to Paris at their own expense (the State making no provision to defray their expenses), in May, 1875, and were present at the sitting of the Geographical Congress, Scientific Congress, and Syndicate of Trades, exporting at their own expense specimens of the mineral resources and products of Tennessee, including cotton, iron ore, coal, marble, etc.; and,

WHEREAS, said Bronson Bayliss and Albert Akers presented to the said Geographical Congress maps, charts, and topographical surveys of said State, including maps of the cities of Memphis and Nashville, tending to show to the old world that we had on this side of the Atlantic a State almost as large as France, rich and productive, capable of supporting a population equal, if not superior, to any portion of constitutional Europe; and,

WHEREAS, said commissioners, Albert Akers and Bronson Bayliss, as evidence of their mission, obtained for the State of Tennessee a diploma and medal from said Congress; therefore,

Resolved by the General Assembly of the State of Tennessee, That the thanks of this body and of the State are due to the said Albert Akers and Bronson Bayliss for their faithful and patriotic services as commissioners at said Congress, and that they have contributed much

to the interest of the State of Tennessee and the South,  
and are deserving of the highest commendation.

Adopted March 24, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*

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## NUMBER XXXII.

Be it resolved by the General Assembly of the State  
of Tennessee, That the Comptroller is hereby authorized  
and instructed to enter a credit on his books in favor of  
J. J. Fink for the sum of \$400, this being the amount of  
which he was robbed.

Adopted March 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

HUGH M. McADOO,  
*Speaker of the Senate.*

Approved March 26, 1877.

JAS. D. PORTER,  
*Governor.*



# SENATE RESOLUTIONS.

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## NUMBER I.

Resolved, That the Speaker of the Senate be requested to invite the clergymen of the city to be present and open the daily sessions with prayer, under such arrangements as these gentlemen may find most convenient.

HUGH M. McADOO,  
*Speaker of the Senate.*

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## NUMBER II.

Resolved, That the Speaker of the Senate appoint one porter for this body; that the porter receive sixty dollars per month for his services, and that during the recesses of the Senate said porter be under the direction of the Superintendent of the Capitol, who shall be held responsible for the faithful performance of his duties.

HUGH M. McADOO,  
*Speaker of the Senate.*

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## NUMBER III.

Resolved by the Senate, That all bills be referred to the proper standing committee on first reading, unless the second reading be called for by any Senator, in which case the bill shall be read twice before being referred.

HUGH M. McADOO,  
*Speaker of the Senate.*

NUMBER IV.

Resolved, That the Judiciary Committee be instructed to report to the Senate, at as early a day as convenient, whether or not it would be lawful for the Legislature to make silver a legal tender for the payment of debts in Tennessee.

HUGH M. McADOO,  
*Speaker of the Senate.*

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NUMBER V.

Resolved, That one hundred copies of the list of the Standing Committees be immediately printed for the use of the Senate.

HUGH M. McADOO,  
*Speaker of the Senate.*

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NUMBER VI.

Resolved, That the Judiciary Committee be instructed to inquire and report to the Senate whether any cases in which the State of Tennessee is a party, either in interest or otherwise, are pending in the Federal Courts, and especially in the Supreme Court of the United States at Washington; the number of such cases and the matters involved therein; and whether any provision has been made by law for the management of the same; and what steps are necessary to provide for the prosecution or defense of such suits; with authority to report a bill.

HUGH M. McADOO,  
*Speaker of the Senate.*

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NUMBER VII.

Resolved by the Senate, That in consideration of the death of Cornelius Vanderbilt, and as an evidence of respect for his memory and appreciation of the eminent service he has rendered the educational interest of the people of Tennessee, that the Senate adjourn until 10 o'clock Monday morning.

HUGH M. McADOO,  
*Speaker of the Senate.*

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NUMBER VIII.

Resolution to execute Resolution No. 16.

Resolved, That the Sergeant-at-Arms be ordered to draw from the Treasury an amount of money not exceeding \$100, for the purchase of Stamps, under the Resolution of Senate No 16, for the purpose of distributing among the people the Comptroller's Report of January 1, A. D. 1877, on the financial condition of the State, and other documents, &c., in pursuance of Resolution No. 16.

Adopted January 26, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

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NUMBER IX.

Resolution in lieu of Senate Resolution No. 7.

Resolved, That the Speaker appoint a committee of five members of the Senate, who shall be charged with

the duty to examine and report by Bill or otherwise, upon the subject of retrenchment of salaries and fees of public officers, and cost of proceedings in the civil and criminal courts of the State, and before Justices of the Peace.

Adopted January 9, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

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## NUMBER X.

Reported by Judiciary Committee in lieu of Senate Joint Resolution No. 10.

Resolved, That the Judiciary Committee of the Senate be directed to take into consideration and report as early as convenient, by bill or otherwise; such reform in the Judicial Circuits as it may deem best calculated to expedite the administration of justice in the State, and lessen the expense thereof.

Resolved further, That all bills originating in this House, or coming here from the House of Representatives, bearing upon the subject of reform in our judicial system, be referred to said committee.

Adopted January 9, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

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## NUMBER XI.

WHEREAS, The Governor of the State, with a view to the procurement of statistics and information in regard to the business of the several Courts of the State, necessary

for the action of the General Assembly, has caused a circular to be addressed to the various Clerks of the several Courts of this State; and whereas, many of the Clerks have failed to respond to the same, whereby this body is deprived of the means of intelligent action; therefore,

Be it Resolved by the Senate of the General Assembly of the State of Tennessee, That the Governor be requested to renew his demand upon the several Clerks who have not already answered fully to his demands, and that he communicate to the Senate the information already received, and such further information as he may hereafter receive from time to time.

Be it further Resolved, That all the Clerks who have not sent in the desired information, be requested to forward at once the data asked for by the Governor.

Adopted January 19, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

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## NUMBER XII.

WHEREAS, It takes up too much time in calling the Districts for Bills; therefore,

Be it Resolved, That the rule requiring the calling of the Senatorial Districts for Bills, be, and the same is hereby abolished, and the old rule upon the subject is revived and adopted.

Adopted February 13, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

### NUMBER XIII.

Resolved, That the Committee on Public Printing be instructed to report, by bill or otherwise, the proper mode of supervising the printing and indexing the Acts and Journals of the Legislature, and the amount to be paid for the same.

Adopted February 16, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

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### NUMBER XIV.

Resolved, That hereafter the sessions of the Senate shall—unless otherwise ordered—begin at 10 A. M., and continue to 1:30 P. M.

Adopted January 24, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

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### NUMBER XV.

Resolved, That there be printed twenty-five hundred copies of the Report of the Comptroller, for distribution by Senators among their constituents, and in order that the people may be informed of the financial condition of the Government of the State.

2. And further Resolved, That the Sergeant-at-Arms procure for the use of the Senators, postage stamps, to be employed in the distribution by mail among the people of the State, the Comptroller's Report, and other docu-

ments, papers and letters, relating to the affairs and interests of the State, in regard to which measures are or may be pending in the General Assembly.

3. Resolved, That the Sergeant-at-Arms keep an account of the stamps furnished each member, and file the same in the office of the Comptroller.

Adopted January 24, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

## NUMBER XVI.

Resolved, That the Warden and Assistant Warden of the Penitentiary are hereby directed to furnish, at their earliest convenience, to the Senate, a report showing:

1. The number of convicts in the Penitentiary.
2. The annual average number of convicts suitable for mining purposes, and average price per day hire which can be realized on the same, the hirer or lessee paying all expenses of guarding, clothing, feeding, etc.
3. The number of convicts employed in the various shops connected with the Institution, and their average price per day which can or ought to be realized for the same, the hirer paying all expenses of guarding, clothing, feeding, etc.
4. The number of convicts suitable for farm hands, and average price per day which can or ought to be realized for the same, the hirer paying all expenses for feeding, guarding, clothing, ect.
5. What has been, for the year 1876, the number of Wagons manufactured in the shops, and net profit on the same to the lessees, and also the value of all other manufactured articles in the Penitentiary, and net profits on the same to the lessees.
6. What number of convicts were employed in mining during the year 1876.
7. Also whether, in their opinion, it is to the interest of the State to lease altogether, or to lease the shops, mining and farm hands separately, and their reasons therefor.

8. Resolved, That the Sergeant-at-Arms deliver a copy of the foregoing resolutions to the Warden and Assistant Warden immediately.

Adopted March 2, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

NUMBER XVII.

Resolved by the Senate, That the Committee on Public Grounds and Buildings be required to ascertain the amount of expenditures necessary to a completion of the Capitol grounds; to learn the probable cost of the same; the amount due by the State to the present lessees of the Penitentiary for work already done, if any, and if so, how much; and also, whether the work on said grounds should be suspended or completed; said committee to report at as early a day as practicable.

Adopted March 5, 1877.

HUGH M. McADOO,  
*Speaker of the Senate.*

# HOUSE RESOLUTIONS.

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## NUMBER I.

Resolved, That the thanks of this House be and are hereby returned to the Nashville Daily American for its full, able and satisfactory report of yesterday's proceedings of the Tennessee Legislature, and the Nashville Daily Banner for its complimentary distribution of papers to the members of this body.

Adopted January 2, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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## NUMBER II.

Resolved, That the Comptroller and Treasurer of the State be requested to furnish to the House of Representatives, at the earliest practicable moment, all the information in the possession of them, or either of them, showing who are the owners of the State bonds of Tennessee, and the amounts owned by each, and the residence of the respective owners.

Adopted January 2, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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## NUMBER III.

Resolved, That the Speaker of the House appoint a committee of three of the members of the House to wait

upon the ministers of the gospel of the different denominations in the city and Edgefield, and request them to open the House each morning with prayer.

Adopted January 2, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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#### NUMBER IV.

Resolved by the House of Representatives of the State of Tennessee, That two hundred copies of the list of committees appointed by the Speaker be printed for the benefit of the members of this body.

Adopted January 4, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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#### NUMBER V.

Resolved, That the Doorkeeper be instructed and authorized to procure a bulletin board, on which the chairman of each standing committee shall post calls for the meeting of his committee.

Adopted January 5, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER VI.

**WHEREAS**, The splendid portrait of President Andrew Jackson, now in the Executive office, was presented to the State by Mrs. Adelicia Cheatham, wife of Dr. W. A. Cheatham; therefore,

**Resolved**, That the thanks of the General Assembly of Tennessee are hereby tendered to Mrs. Cheatham for the valuable present.

Adopted January 5, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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## NUMBER VII.

**House Resolution confirming the action of the Speaker in appointing two porters for the House.**

**WHEREAS**, It became necessary to have two porters to serve this House; and,

**WHEREAS**, The Hon. E. T. Taliaferro, Speaker, has heretofore appointed such porters; therefore,

Be it resolved, That the action of the Speaker in the premises be confirmed.

Adopted January 6, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER VIII.

Resolved by the House of Representatives, That Charles C. Plummer be appointed Assistant Clerk, who shall serve during the absence of Mr. Sherrill, absent on account of illness.

Adopted January 8, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

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## NUMBER IX.

Resolved by the House of Representatives of the State of Tennessee, That two hundred copies of the joint rules adopted for the government of the House and Senate when in joint convention, be printed for the use of the House.

Adopted January 8, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

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## NUMBER X.

Resolved, That the Clerk of the House be required to place on the desk of each member of the House on Monday of each week, a printed calendar of the business of the House, for their information and guidance.

Adopted January 18, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

NUMBER XI.

Resolved by the House of Representatives, That the Speaker is hereby authorized to appoint a Journal Clerk during the election of State officers.

Adopted January 18, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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NUMBER XII.

Be it resolved by the House of Representatives, That in addition to the Standing Committees already appointed, a committee of four members be appointed as a Committee on Public Printing.

Adopted January 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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NUMBER XIII.

WHEREAS, It has pleased the Supreme Architect of human fortunes to bereave our fellow-member, the Hon. W. P. Tolley, of the county of Lincoln, in the death of his wife, since the last adjournment of this Body; and

WHEREAS, In moments of affliction and sorrow it is meet to extend a tribute of sympathy and condolence. Therefore,

Be it resolved by the House of Representatives, That we extend to our fellow member, Mr. Tolley, in his deep sorrow and bereavement our truest sympathy and condolence, and commend to him the comforting assurance

that after death the pleasing associations of this life may be renewed to grow brighter and brighter throughout a blissful eternity.

Be it further resolved, That these resolutions be spread upon the Journal of the House, and that a copy of them be sent to our bereaved member.

Adopted January 26, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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#### NUMBER XIV.

Resolved by the House of Representatives of the State of Tennessee, That the Clerk is hereby directed to prepare a roster of the officers and members of the House, stating age, occupation, postoffice and county, for the use of the officers and members of the House, and have two hundred copies of said roster printed.

Adopted February 5, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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#### NUMBER XV.

Be it resolved by the House of Representatives, That hereafter, when this House adjourns for the day, that it shall adjourn to meet at 9 o'clock on the day following, except on Monday mornings.

Adopted February 7, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER XVI.

Resolved, That the Comptroller be and he is hereby ordered and directed to issue his warrant, payable to the Sergeant-at-Arms, for an amount not exceeding six dollars for the use of each member of the House for the purpose of buying postoffice stamps, to be used by the members exclusively to pay postage on public documents to be sent to their constituents.

Adopted February 7, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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## NUMBER XVII.

WHEREAS, It is a general rule of law that bonds and notes do not bear legal interest during the time of war; and

WHEREAS, It is believed that a large amount of interest accruing on the bonds of the State was by mistake wrongfully charged and funded under the provisions of the Act known as the funding bill, passed in 1873,

Resolved, therefore, That a special committee of three be appointed by the Speaker to inquire and report to the House for information and further action, the amount of interest accruing on the bonds of the State during the time of the late civil war, and which has been funded.

Adopted February 7, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER XVIII.

**Resolved**, That the report of the Trustees of East Tennessee University be printed, 2,000 copies with the Governor's message; and 500 copies of said publication be furnished the University for distribution among the people.

**Adopted February 8, 1877.**

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

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## NUMBER XIX.

**Resolved by the House of Representatives of the State of Tennessee**, That the Judiciary Committee be and are hereby instructed to consider and report as soon as practicable, whether it would be proper and expedient for this General Assembly to submit to the people at the August elections, 1878, or at any other time, the question of calling a convention to alter, reform, or abolish the present Constitution.

**Adopted February 12, 1877.**

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

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## NUMBER XX.

**Resolved by the House of Representatives**, That when the regular order of business is reached upon each day, the Clerk shall commence where he left off on the pre-

ceding day, until he has gone through with the whole order, unless otherwise ordered by the House.

Adopted February 13, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

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## NUMBER XXI.

Be it resolved by the House of Representatives, That in all debates upon resolutions or bills prior to their passage on the third reading, the mover of the resolution or author of the bill, as the case may be, shall have the right to close the debates thereon, and no call for the previous question or other motion shall cut off and defeat this right in the mover or author of a measure against his wish.

Adopted February 13, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

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## NUMBER XXII.

Resolved, That the principal Sergeant-at-Arms of this House be and he is hereby instructed to distribute to the members of this House all the public documents ordered by this House to be printed for the benefit of its members, as soon as such documents come into his possession, in proportion as the number published is to the number of members of this House.

Adopted February 14, 1877.

**EDWIN T. TALIAFERRO,**  
*Speaker of the House of Representatives.*

NUMBER XXIII.

WHEREAS, A committee has heretofore been appointed by the House upon the subject of redistricting the State Judicially; and,

WHEREAS, It is highly necessary that all the information relative thereto possible to be had should be obtained on this important matter; therefore,

Be it resolved, That the Bar in each county of the State be and the same are hereby solicited at the earliest moment practicable to communicate with such committee either by sending up a representative hither, or by letter or memorial.

Adopted February 14, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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NUMBER XXIV.

Resolved, That the Speaker of the House be authorized to appoint a committee consisting of five members whose duty it shall be to take into consideration the way and manner the expenditures and appropriations of the various County Courts throughout the State can be lessened and curtailed, to whom all matters germane to this subject shall be referred, said committee being directed when constituted to prepare and report to this House such bill or bills as may be deemed suitable and proper to carry out the purposes of this resolution.

Adopted February 14, 1877.

EDWIN T. TALIAFERRO;  
*Speaker of the House of Representatives.*

NUMBER XXV.

WHEREAS, The Comptroller has in his estimates for the disbursements for the year 1877 included in the same an item of \$6,000 for Executive expenses, one item of \$6,000 for Supreme Court expenses, and it is not shown what are the expenses intended to be covered by these items; therefore,

Be it resolved by the House of Representatives, That it is hereby made the duty of the Comptroller to report to this House the items for which such expenditures are to be made.

Adopted February 14, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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NUMBER XXVI.

Resolved by the House of Representatives of the State of Tennessee, That hereafter where any House Resolution or House Joint Resolution shall be passed calling upon any of the State officers for any information in relation to the affairs and conduct of their respective offices, it shall be the duty of the Engrossing Clerk of the House to furnish such officer with a copy of such resolution immediately upon its passage or approval, as the case may be.

Adopted February 17, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER XXVII.

Be it resolved by the House of Representatives of the Fortieth General Assembly of Tennessee, That it shall be the duty of the Principal Clerk of the House to enter on the Journal the title in full of every bill introduced at the time of its introduction.

*Adopted February 20, 1877.*

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER XXVIII.

WHEREAS, A wide difference of opinion exists as to the rental value of State's prison, its machinery, labor, etc.; therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Superintendent and the Warden of the penitentiary be requested to furnish to this House, for its information,

1st. The annual average number of men in the penitentiary serviceable for mining purposes, and what would be a reasonable hire for them per day, the hirer to pay all charges of support, clothing, medical bills, etc.

2d. How many hands are annually employed in the foundry in the State's prison, and their reasonable hire per day, the hirer also to pay all charges as to those hired out as in the preceding resolution.

3d. How many hands are employed in the machine shops annually, and their reasonable per diem hire, all charges being paid by the hirer.

4th. How many hands are annually employed in the wagon shops, including the blacksmith shop and other reasonable per diem hire, all charges paid by the hirer.

5th. How many hands are annually employed in the cabinet or furniture department of the penitentiary, and their reasonable hire per day, the hirer to pay all charges.

6th. How many hands are annually employed in the stone cutting department of the penitentiary, and their reasonable hire per day, the hirer paying all charges. And he will report also how many convicts this will leave not so employed on an average in the State's prison, annually suitable for farm labor, and who can be made self-sustaining by the State's working them itself on farms rented or leased for the purpose, or by hiring them to others to be worked on farms. He will also report whether the various departments of labor, or some of them, in the State's prison may not be leased separately to the advantage of the State and the convicts.

Adopted February 22, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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### NUMBER XXIX.

Be it resolved, That this House shall hereafter hold night sessions on Monday, Wednesday and Friday nights of each week, and shall meet at seven and a half o'clock on said nights; Provided, this resolution shall not take effect until Monday, February 26, 1877.

Adopted February 21, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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### NUMBER XXX.

Be it resolved by the House of Representatives, That the Clerk of this House be and he is hereby directed to furnish no more printed callendars for the use of the members, unless specially directed by the House hereafter.

Adopted February 21, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER XXXI.

Resolved by the House of Representatives of the State of Tennessee, That the Speaker is hereby authorized and directed to appoint a Journal Clerk during the holding of night sessions.

Adopted February 26, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

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## NUMBER XXXII.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That the Committee on the Penitentiary for this body be and the same is hereby ordered and directed to ascertain and report to this House, at the earliest moment practicable, the present state and condition of said institution, its buildings, machinery, and all appurtenances belonging or in any way pertaining thereto; the number and condition of the inmates thereof, how and where employed, etc.; to what extent the present lessees have carried out and complied with their contracts of lease; the sum or sums that they obligated themselves to pay to the State, and the amount actually received by the State, or its equivalent in labor or otherwise; to ascertain as near as practicable how much, under proper, efficient and honest management, said institution ought, could and should be made to realize over and above expenses each day; to ascertain whether or not it would be practicable, expedient, and for the best interest of the State, for the use, management and control of same to remain wholly in the State, or that the same should be leased as heretofore; and if the former, whether or not it would be possible to procure three honest, competent and suitable men, properly compensated, to take charge of and control said institution, under such rules and regulations as may be

prescribed by law; and make due return of their action in the premises to this body as aforesaid. And to this end said committee, or any portion of the same, is hereby authorized and empowered to send for any persons and papers that may aid and assist them in this investigation, to administer oaths, and to do whatever else may be necessary and proper in the attainment of the end and purpose aforesaid.

Adopted February 27, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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#### NUMBER XXXIII.

Resolved by the House of Representatives of the General Assembly of the State of Tennessee, That in the election of committeemen to confer with the creditors of the State, no one shall be elected who does not receive a majority of all the votes cast; no nominations shall be made, and but one committeeman shall be voted for at a time.

Adopted March 2, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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#### NUMBER XXXIV.

Resolved by the House of Representatives of the State of Tennessee, That Thos. O'Conor, one of the present lessees of the penitentiary, and James Glover, the superintendent of the capitol and capitol grounds, send at once to this House separate itemized statements, showing

the amount, if any, and all accounts the present lessees of the penitentiary have against the State of Tennessee unpaid; and if none, so report; and if any, how it originated and for what purposes.

Be it further resolved, That the Comptroller of the State report any and all accounts in his possession, that have been approved or otherwise, claimed against the State by said lessees, if any, that are unpaid.

Adopted March 2, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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NUMBER XXXV.

WHEREAS, Under the act of 1871, leasing the penitentiary, an inventory of all the property of every description, fixing each item of property and its value, connected with the penitentiary, was to be made out, and the walls of the penitentiary were to be inspected; and,

WHEREAS, The lessees, under said act, at the expiration of their lease, were to return all of said property in as good condition as it was at the commencement of their lease; and,

WHEREAS, This General Assembly has no information as to the amount and condition of the property connected with the penitentiary, as compared with its amount and condition when the same was leased; therefore,

Be it resolved, That a committee of three, composed of machinists, be appointed by the Speaker to investigate and have a list or inventory of all the property of the State connected with the penitentiary, of every description, made out, and compare the same with its condition at the time the penitentiary was leased; and if the same has deteriorated or any part thereof has been destroyed, the said committee will report its value now as compared with its value when leased. Said committee will also

examine the walls of the penitentiary, and report their condition as compared with their condition when leased.

Adopted March 6, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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### NUMBER XXXVI.

Resolved, From this time to the close of the session, no member of this House shall speak more than ten minutes at one time under any circumstances; the Speaker shall not extend the time for any purpose, and no member shall speak more than once on the same subject. No explanation of a vote shall be made except in writing, which shall be entered on the journal as a protest.

Adopted March 13, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

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### NUMBER XXXVII.

To permit the Chief Engineers of the Fire Department of the United States and Canada to hold their next annual meeting in the House of Representatives.

Resolved, That the Superintendent of the Capitol be instructed to permit the Chief Engineers of the United States and Canada to meet in this hall on the first Tuesday of September next, and the Scientific Association of America which convenes in this city some time during the same month.

Adopted March 19, 1877.

EDWIN T. TALIAFERRO,  
*Speaker of the House of Representatives.*

## NUMBER XXXVIII.

Resolved, That the Speaker of the House appoint a competent person to assist the Engrossing Clerk of the House to prepare bills passed by this House for the consideration of the Senate, as the same are accumulating to such an extent as to demand an assistant.

Adopted March 19, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

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## NUMBER XXXIX.

WHEREAS, Thorough efficiency in the discharge of duty merits enduring commendation as well as a tribute of thanks; and,

WHEREAS, The Hon. Edwin T. Taliaferro has performed the perplexing and intricate duties of Speaker of the House of Representatives of the Fortieth General Assembly of Tennessee in an able, impartial, and dignified manner; therefore,

Be it resolved, That the thanks of this House are due and hereby tendered the Hon. E. T. Taliaferro for the courtesy, impartiality, dignity and ability with which he has discharged the duties of Speaker of this body.

Be it further resolved, That we heartily commend to fortune's favor our very efficient Principal Clerk and his assistant, as well as our very excellent Engrossing Clerk, Sergeant-at-Arms and his assistant, and to each of them extend our very sincere thanks and good wishes.

Adopted March 26, 1877.

EDWIN T. TALIAFERRO,

*Speaker of the House of Representatives.*

STATE OF TENNESSEE,  
OFFICE OF THE SECRETARY OF STATE, }  
NASHVILLE, April 12, 1877.

I, CHAS. N. GIBBS, Secretary of State of the State of Tennessee, do hereby certify that I have carefully collated the foregoing Acts and Resolutions with original copies on file in my office, and find them correctly printed.

CHAS. N. GIBBS,  
*Secretary of State.*



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## ERRATA.

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In 11th line, page 18, insert "State" after "this."

On page 36, the whole of chapter 22 is, by mistake, a repetition of chapter 21, and void.

In line 6, page 62, "1876" should be "1875."

In line 34, page 83, insert after "branded" the words "as provided by."

In line 19, page 91, substitute for "interests" the word "intent."

On page 104, chapter 79, last word of heading, read "1875" for "1877."

In line 5, page 123, for "special" read "speed."

In line 46, page 129, after the word "corporations" insert "that."

Page 130, close of chapter 104, insert "passed March 27, 1877."

On page 132, in last line of section 1, chapter 107, read "or" for "of."

In line 4, page 144, read "name" for "nature."

In last line of page 160, insert "special" before "judge."

In line 25, page 197, for "those" read "them."





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